

HOUSE OF REPRESENTATIVES—Wednesday, April 17, 1996

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. GILLMOR].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 17, 1996.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christman, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

The heavens declare Your beauty, O God, and the firmament shows Your handiwork.

We pray, O God, that we may all more quickly recognize and give thanks for the beauty that surrounds us, and we pray that we may more reverently receive Your gifts and offer our gratitude for them daily.

For the hours of this day, we give You thanks. Help us, O God, to use each moment wisely so that neither sloth nor waste will occupy this time which will never be returned to us.

Dispose our days and our deeds in Your peace, O God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio [Ms. KAPTUR] come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced

that the Senate had passed without amendment bills of the House of the following titles:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building";

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse";

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building";

H.R. 2415. An act to designate the United States Customs Administrative Building at the Ysleta/Zaragoza Port of Entry located at 797 South Zaragoza Road in El Paso, Texas, as the "Timothy C. McCaghen Customs Administrative Building"; and

H.R. 2556. An act to designate the Federal building located at 345 Middlefield Road in Menlo Park, California, and known as the Earth Sciences and Library Building, as the "Vincent E. McKelvey Federal Building."

ANNOUNCEMENT REGARDING AMENDMENTS TO NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the Rules Committee will be meeting at the beginning of next week to grant a rule on H.R. 1675, the National Wildlife Refuge Improvement Act.

Resources Committee Chairman YOUNG has requested an open rule. He has further requested that the rule make in order as original text for the purpose of amendment a new amendment in the nature of a substitute.

This amendment in the nature of a substitute by Chairman YOUNG reflects negotiations the Resources Committee has held with both the Department of the Interior and the Department of Defense.

Amendments should be drafted to the text of the amendment in the nature of a substitute offered by Chairman YOUNG, which has been printed in the CONGRESSIONAL RECORD of April 16, 1996, numbered 1. Priority in recognition may be given to those amendments which are preprinted in the CONGRESSIONAL RECORD. However, preprinting of amendments is optional.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their

amendments comply with the rules of the House.

OSHA, AT IT AGAIN

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, I hope Mike Royko's column today is a joke, but unfortunately it is not. OSHA is at it again.

Apparently, a small business in Chicago recently received a set of instructions from OSHA on how to safely handle water. Yes, water, not waste water, not contaminated water, just water. The instructions include water's boiling point, its freezing point, its weight. The laboratory protective equipment recommended included safety glasses and a lab coat, and instructions include keeping the container lid on tightly closed and how to transport the water and a warning to protect it from freezing.

Yes, Mr. Royko points out, however, that OSHA did not document any effects of overexposure to water. Does OSHA not consider drowning a hazard? The bureaucrats at OSHA also failed to identify any conditions to avoid. What about the chance of burning your hand if the water is too hot?

Mr. Speaker, the time to reform OSHA is now.

UNITED STATES-JAPAN AUTO FIGURES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, with the President in Japan, it is time to take stock of our abysmal trade accounts with that nation.

The administration is doing its best to put a public relations spin to last year's massive \$60 billion trade deficit with Japan. Look at the facts: During the first 3 years of the Clinton administration, the United States has suffered over \$185 billion in more trade deficits with Japan, a 39-percent increase over the abysmal trade deficit records under the Bush administration. U.S. auto manufacturers still have less than 1 measly percent of Japan's auto market, while Japan commands over one-third, 33 percent of this market. The value of the dollar against the yen has gone down by 40 percent since 1990, making our automotive goods 40 percent cheaper in their market. Yet the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

United States gained only one-third of 1 percent of Japan's auto market since 1995.

Mr. Speaker, let us save the high fives. We have scaled an ant hill. Now all that is left is the mountain.

WHAT HAPPENED TO THE MIDDLE-CLASS TAX CUT?

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, recalling my career in radio, here is a golden oldie I am sure our liberal friends will absolutely love. It is taken from one of Bill Clinton's 1992 campaign commercials:

I'm Bill Clinton, and I think you deserve a change. That's why I've offered a plan to get the economy moving again, starting with the middle-class tax cut.

But after the election, Bill Clinton forgot about the middle class. He must have developed some sort of memory problem. For 2 years when he and the liberals had control of both the White House and this Congress, Bill Clinton still refused to honor his promise to cut taxes to the middle class. In fact, the record clearly shows he raised taxes, 250 billion dollars' worth.

Bill Clinton traded in his promise of tax relief for the largest tax increase in American history. And then, in this new Congress, he vetoed tax relief the new majority provided to most every American.

Mr. Speaker, the President had a chance. He blew it. The new majority is committed to letting Americans hang onto more of their hard-earned dollars.

CRUEL AND UNUSUAL PUNISHMENT OR NOT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, a male prisoner wanting to be a lady demanded hormone injections at taxpayer expense, citing the 14th amendment. A lower court said this would-be lady is a tramp, absolutely not.

But the 10th Circuit Court said, hey, let luck be a lady tonight, citing the 8th amendment, said to deny hormones for this prisoner would be cruel and unusual punishment.

Unbelievable. Who are these three judges? Larry, Moe, and Curly? Do they realize that these prisoners get free food, health care, libraries, TV's? What is next? Wonderbras, pantyhose? Beam me up, Mr. Speaker. I say injections are in order, not for the prisoner, but for the three judges. They should get a combination injection of Prozac and common sense.

Think about it. I yield back the balance of these injections.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Our guests in the gallery are reminded that demonstrations of approval or disapproval are not permitted under the rules of the House.

WORKING CHILDREN'S RIGHTS ACT

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, a year ago, a 12-year-old boy by the name of Iqbal Masih was murdered in Pakistan because he had dared to speak out against child slave labor.

Iqbal had been sold by his father for \$16 when he was 4 years old. He was chained to a loom. When he made a mistake, he was savagely beaten.

With the help of an American firm, he escaped and spoke out against this practice, which is actually on the rise in Asia and Africa and Latin America, because there is so much profit to be made by exploiting children that poor governments are very easily corrupted.

He tried to make a difference. He was murdered. But it is up to us to follow his lead, to show his courage.

Today in honor of Iqbal and the millions of children who work as forced laborers, I am proud to introduce the Working Children's Rights Act. It will deny U.S. foreign aid to countries that refuse to enforce their own labor laws, it will deny aid to governments that continue to violate the most basic human rights of children, and it will require the State Department to investigate corruption and provide for yearly hearings, so that we will never forget the terrible plight faced by millions of children like Iqbal Masih.

REPEAL 16TH AMENDMENT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, our current Tax Code has undergone 31 major revisions and 400 minor revisions over the past 40 years. It has grown from 11,000 words to over 7 million words. The IRS now prints about 480 different tax forms for Americans to fill out. But taxpayers shouldn't fear because the IRS will send you an additional 280 forms to explain how to fill out the first 480. Doesn't that sound simple?

All this complex nonsense costs Americans about 5.4 billion hours and \$200 billion a year.

Is it any wonder that Americans are frustrated, angry, and just plain fed up with our current tax system. It's time to replace it. Join me in repealing the 16th amendment. We must get rid of

the IRS. This country and her citizens deserve no less.

INCREASE THE MINIMUM WAGE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, if NEWT GINGRICH and the radical right Republicans want to do something for the working poor, then let us have a minimum wage bill. Yesterday some of their Members stood in the well on that side and said, "Well, we have already proposed to take care of the working poor through our tax bill that we passed last year, and the President vetoed it."

Nothing is further from the truth. There is not one penny, not one penny, in that tax bill for the working poor. You take a two-wage earner family with two children, both working at minimum wage. They do not pay any taxes. There is nothing in your tax bill that helps them.

The only way that we can help the working poor get out of poverty, the only way we can help people get off welfare, is to increase the minimum wage.

Why, Mr. Speaker, do you and the radical right Republicans refuse to permit the Democrats to bring a minimum wage bill to this floor? I say to you, let us do it now.

AMERICANS PAYING TOO MUCH IN TAXES

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, the previous speaker apparently forgot the Bill Clinton tax increase, 4.3 cents in the gas tax. Did he forget that? That is on the working poor. How about taxing Social Security benefits of those people who had sense enough to save with \$35,000 a year income each year?—\$35,000, a couple, and they tax 85 percent of your Social Security benefits that you paid 16 percent of your payroll in each year of your working life. That is what Clinton has done for you.

Mr. Speaker, each day millions of Americans wake up early, get dressed, kiss their families good-bye and go to work. They then spend the next 2 hours 47 minutes working for the Federal Government to pay their taxes. That is more time than they spend working to feed, clothe, and earn money for their family's housing.

Mr. Speaker, this is an outrage. When American families are spending more time working for the Government than they do supporting their own families, something is wrong. Americans deserve to keep more, not less of their

own income for their own families, and Congress should be doing everything we can to get this Government off their backs.

AMERICANS SUPPORT RAISING MINIMUM WAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, congressional Republicans are using every single trick in the book to block a vote on raising the minimum wage in this country a mere 90 cents, even though the minimum wage is at a 40-year low.

Yesterday Senate Republicans used a procedural maneuver to dodge raising the minimum wage. They march in lockstep with Speaker GINGRICH and his leadership team, who have been blocking every single effort to bring up a vote in this body on raising the minimum wage.

□ 1115

It is only the latest example of how Speaker GINGRICH and his Republican leadership are out of step with the mainstream of this country. They, in fact, wanted to give a \$245 billion tax break to the richest Americans in this country, to give the richest corporations in this country a \$17 billion windfall, but they do not in fact want to see the minimum wage raised by 90 cents.

The New York Times said today that 84 percent of the U.S. folks are for an increase in the minimum wage. Today 13 House Republicans, to their credit, will break ranks with their leadership to join those of us who said let us increase the minimum wage. Let us do that for the hard-working, responsible Americans in this country. Let us give them an increase in their salaries.

DO SOMETHING FOR AMERICANS BY PASSING HEALTH CARE REFORM AND INCREASING THE MINIMUM WAGE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Congress has a golden opportunity to actually do something for the American people. We can pass the necessary health care reform bills this year and also increase the minimum wage, like my colleagues have said.

The Kassebaum-Kennedy health care bill in the Senate will enhance the portability of coverage by ending permanent exclusion for preexisting conditions. However, the inclusion in the House of the medical savings accounts, malpractice reform, and also the taking away of State regulation of multiple employer welfare plans will hurt health care reform.

Key Senators, including Senator KASSEBAUM, have discouraged the inclusion of these medical savings accounts because it has no place in this bill. House Republicans want to federalize insurance regulations for self-insured small business. The States are now regulating these plans, and have served as a laboratory for innovation on improving coverage and combating fraud. Why do we want to bring that to Washington?

The Nation's Governors, State legislators, and insurance commissioners have opposed these provisions, but the majority Republicans have put it in. Let us give the people reasonable health care reform and a minimum wage increase.

LET US CELEBRATE EARTH DAY IN A BIPARTISAN WAY

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, next Monday we will celebrate Earth Day. I wonder if we will celebrate Earth Day in a bipartisan way.

It is true that in recent years, we had witnessed some improvement in environmental standards for clean air and water, due in large part to bipartisan support provided previously by Congress.

Yet, the 104th Congress has witnessed a dramatic change in attitude among many of my Republican colleagues.

Escapes and loopholes have been inserted in many measures on behalf of those who would pollute, weakening the very laws that protect the health of the Nation.

Thus, despite a quarter of a century of effort, investment, and concentration—toxic waste, unclean air, and unsafe drinking water is still a way of life for millions in the United States.

Competing interests between the air we breathe, the water we drink and the land on which we live, versus economic efficiencies and profit for business interests have resulted in legislative action and inaction that has delayed and denied environmental improvement.

Those who have suffered the most are the voiceless and the powerless.

Yet, in spite of it all, there remains hope for the future.

When we celebrate Earth Day on Monday, April 22, I hope all Members will pledge to provide something to celebrate about.

104TH CONGRESS HAS SHIFTED FOCUS ON ENVIRONMENT TO ENFORCEMENT, NOT WEAKENING, OF EXISTING REGULATIONS

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, let us think about and talk about, just for a moment, exactly what the 104th Congress has done with respect to the environment, because there is so much deception that is being propagated about it, it is difficult to separate the truth from the reality or from the fiction.

The reality is that for the first time ever this Congress actually passed a Clean Water Act that provides for relief from and accounting for nonpoint source pollution. We had never done that before.

This Congress increased the funding for the Clean Water Act from \$1.2 to \$2.4 billion, a tremendous increase.

This Congress did not weaken one single regulation with respect to the standards themselves, but what this Congress did do is, it shifted where the focus of enforcement will be. It shifted it away from Washington, Washington bureaucrats with a one-size-fits-all attitude and approach, and to the States.

There is, in fact, notwithstanding the fact that many would like us to believe otherwise, there is no difference with respect to the goal, but there is a tremendous difference with respect to the way we get there, the process.

AMERICA NEEDS AN INCREASE IN MINIMUM WAGE TO SUSTAIN ITS HIGH QUALITY STANDARD OF LIVING

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, we know what distinguishes America from Third World countries, not just its democratic processes but its standard of living, the high quality of life we have in this country. Well, at least that is the way it used to be when people could get good paying jobs in industry. That is not the case now.

USA Today says, "How would you like to raise a family on \$8,800 a year?" That is what we get with the current minimum wage. We ought to raise it. I am appalled when I hear my Republican colleagues who make over \$100,000 a year say that they will fight a 90-cent increase in the minimum wage with every fiber in their body. It is absolutely shocking.

We need to maintain a high minimum wage so that we can have the high standard of living in this country. The current minimum wage is \$1.10 less than the poverty level. People cannot exist on the current minimum wage.

If we increase the minimum wage, 12 million Americans will benefit. And do not let the Republicans tell us they are just teenagers. Thirty-nine percent of those Americans, 39 percent of those 12 million, are breadwinners, heads of households.

Mr. Speaker, the equation is very simple. Decent minimum wages mean

less welfare. The people who are getting welfare are there because many of them cannot get a decent wage even though they work.

GIVING STATES AUTHORITY WILL ENHANCE ENVIRONMENTAL QUALITY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I want to follow on the statement that was made eloquently by my friend from Cleveland about the issue of the environmental commitment of the 104th Congress.

I come from a State which is very sensitive to environmental concerns. In fact, the district which I represent has had the highest number of first stage smog alerts in the Nation. We have very serious groundwater contamination problems.

The fact of the matter is, this Congress is committed to moving in the next several weeks with very important legislation, the Safe Drinking Water Act, which continues to be a top priority. And as my friend said, this concept of one-size-fits-all regulations emanating from right here in Washington has failed.

In fact, we have seen improved environmental quality in spite of, not because of, the bureaucracy that has existed here. Every shred of evidence demonstrates that we will, in fact, be able to enhance environmental quality in this country and in my State of California if we are able to give the States the kind of authority that is desperately needed. That is the commitment that we have.

REJECT GET-GREEN GIMMICKS

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, our colleagues on the other side of the aisle have recently attempted to improve their environmental image to the public at large. They know that the American people want our environment protected, and they have felt intense heat for their relentless attacks on our public health and safety.

But we know better than to believe their get-green gimmicks. This Congress has the worst environmental record in 40 years. We have fought attacks on public health standards, meat inspection regulations, national parks, endangered species, and pesticide protections, to name only a few. And now, while these attacks in Washington continue, we are subjected to their pro-environment rhetoric. We can expect to witness them planting trees, adopting highways, or volunteering to clean up a

river or lake in order to polish up their image.

As we prepare to celebrate Earth Day, we cannot stand for this hypocrisy. We must protect and cherish our environment, both in the laws we write—and in the lives we live.

POLLUTERS, NOT TAXPAYERS, SHOULD BEAR COST OF CLEANUP

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, as we approach the celebration of Earth Day it behooves us to take the time to see what we have done to our planet. The Superfund Program helps us accomplish what we must, clean all polluted sites. Superfund is based on the principle that the parties responsible for the pollution should pay for the cleanups.

Unfortunately, some Members want to shift cleanup costs from polluters to taxpayers. Whose interest does it serve to shift this burden off the polluters and onto the backs of the public?

A high percent of the Superfund sites currently listed on the national priorities list involve human exposure to hazardous substances or threats to drinking water. Over 70 million people live within 4 miles of one Superfund site. In my district, more than 168,000 people get their drinking water from aquifers over which a site is located.

H.R. 2500, the Superfund reform bill, rejects the polluter-pays principle and undercuts responsible remedies, allowing polluters to walk away from sites. H.R. 2500 caps the national priorities list at 125 sites, while States have testified that there are 1,700 Federal caliber sites. Under this plan, responsibility for 1,575 sites would be left to the States, whether they have resources to clean them or not.

Although the program has been criticized for the slow rate of cleanups, 349 site cleanups have completed since the program started in 1981. Nearly 60 percent of these cleanup have been completed under the Clinton administration.

Under the last Democratic Congress, a compromise Superfund reform bill received the support of three committees and was supported by the Clinton administration, State governments, and environmental groups. The compromise dealt with reducing litigation, speeding cleanups, and narrowing liability.

As we celebrate Earth Day we should not allow lobbyists to rewrite our environmental laws in ways that benefit polluters and hurt the health of our good citizens. Let me pledge to seek new opportunities so that we can be proud to pass along a safer and healthier planet to our children.

A SERIOUS PLAN FOR WHAT AILS THE DISTRICT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the Washington Post front page story this morning is an urgent action alert for this Congress "In Threadbare D.C., Hopes Wear Thin."

This Congress, which claims constitutional responsibility for the Capitol of the United States, bears a heavy responsibility for the decline and fall of the District, at least this year: the shutdown of the Government, the hold-up in the appropriation, the cuts before a plan was in place against the recommendation of your own control board.

On April 15, I introduced the D.C. Economic Recovery Act, to give a tax break to D.C. residents, to stop the hemorrhage of taxpayers out of this city. The Washington Times calls it, in a headline in its editorial, "A Serious Plan for What Ails the District."

Save the Capitol of the United States before it is too late. It is, I remind you what you always tell me, your constitutional responsibility.

DO NOT RAISE TAXES ON WORKING AMERICANS

(Mr. TATE asked and was given permission to address the House for 1 minute.)

Mr. TATE. Mr. Speaker, 3 years ago my good friends across the aisle raised taxes on senior citizens, raised taxes on working Americans in the form of higher gas taxes, raised taxes on small business owners. But the new Republican Congress tried to provide tax relief for working Americans in the form of a \$5,000 tax credit for working Americans that want to adopt a child, tax relief for small businesses.

Now it is an election year, and my good friends across the aisle say raise the minimum wage. Well, they controlled the Congress and the Presidency for 2 years. If I look at their record and look closely enough, what the folks across the aisle truly want to do is raise taxes on working Americans. That is what they are truly interested in.

REPUBLICANS WOULD ROLL BACK ENVIRONMENTAL PROGRESS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I know that we are leading up to Earth Day next Monday. I was involved in the original Earth Day 26 years ago, and I think it is very unfortunate that now in this Congress under Speaker GINGRICH we see the worst environmental record in the history of the Congress.

In effect, what is happening is that the Republican leadership is doing their best to try to roll back 25 years or 26 years of environmental progress that we have seen in this Congress on a bipartisan basis since the first Earth Day.

□ 1130

The worst part, I think, is with regard to enforcement. One of the things that I have always said is that if you do not have proper enforcement and investigation to make sure that there are teeth in your environmental laws, then you in effect do not have any environmental laws.

This continued process with the Republican leadership where they do not provide enough funding for the EPA and other agencies that are involved in environmental protection so that there are not the enforcers or the environmental cops on the beat, if you will, out there doing the investigations, catching the polluters, indicating or making it possible to impose penalties against those who violate our environmental laws, this constant effort is hurting environmental protection in this country.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Agriculture, Committee on Banking and Financial Services, Committee on Economic and Educational Opportunities, Committee on International Relations, Committee on the Judiciary, Committee on Resources, Committee on Science, Committee on Small Business, Committee on Transportation and Infrastructure, Committee on Veterans' Affairs, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from California?

There was no objection.

LAYING ON THE TABLE HOUSE RESOLUTION 368

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that House Resolu-

tion 368, providing for consideration of H.R. 994, the Small Business Growth and Administrative Accountability Act of 1996, be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

TRUTH IN BUDGETING ACT

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 396

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairmen and ranking minority members of the Committee on Transportation and Infrastructure and the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pend-

ing which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 396 is an open rule providing for the consideration of H.R. 842, the Truth in Budgeting Act. The rule provides 2 hours of general debate divided equally between the chairmen and ranking minority members of the Committee on Transportation and Infrastructure and the Committee on the Budget.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment and provides that each section be considered as read.

This rule allows for priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and it provides for one motion to recommit, with or without instructions.

Mr. Speaker, when I first came to Congress in 1963, I was privileged to serve on the House Public Works Committee. The name has changed, but the important agenda of the committee and the dedication and hard work put forth by the members of the committee over the years has not diminished.

I've long supported efforts to take the four transportation trust funds off budget, and I commend chairman BUD SHUSTER and ranking member JIM OBERSTAR for finally giving the House an opportunity to debate and vote on this issue.

We'll hear a great deal of discussion about this bill today, and arguments will be made that these trust funds should not be exempted from budget cuts in attempts to balance the budget. But Congress made a commitment to use the proceeds of transportation user fees solely for transportation purposes. Presently, there is over \$30 billion in the four transportation trust funds—money that could be and should be used to improve our highways, airports, harbors, and inland waterways. The public is no longer being fooled by using these funds to mask the true size of the Federal deficit. It's way past time to honor our commitment and release these funds to improve our Nation's transportation infrastructure.

Mr. Speaker, I'm proud to be a cosponsor of this bill and I urge my colleagues to vote for this open rule and to support passage of this important piece of legislation.

Mr. Speaker, I include the following extraneous material for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,¹ 103D CONGRESS V. 104TH CONGRESS

(As of April 15, 1996)

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open ²	46	44	60	59
Modified Closed ³	49	47	26	25
Closed ⁴	9	9	16	16
Total	104	100	102	100

¹ This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

² An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

³ A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

⁴ A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

(As of April 15, 1996)

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/8/95).
H. Res. 69 (2/8/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-100; A: 227-127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230-191; A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234-191 A: 247-181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242-190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/6/95).
H. Res. 140 (5/3/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252-170 A: 255-168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225-191 A: 233-183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MillCon Appropriations FY 1996	PQ: 223-180 A: 245-155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232-196 A: 236-191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221-178 A: 217-175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/1/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258-170 A: 271-152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236-194 A: 234-192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235-193 D: 192-238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230-194 A: 229-195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242-185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232-192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217-202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230-189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409-1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255-156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323-104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414-0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388-2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241-173 A: 375-39-1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304-118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344-66-1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231-194 A: 227-192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235-184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228-191 A: 235-185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237-190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241-181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216-210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220-200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

(As of April 15, 1996)

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223-182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220-185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229-176 (11/15/95).
H. Res. 273 (11/15/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239-181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223-183 A: 228-184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230-188 A: 229-189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228-182 A: 244-168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235-175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251-157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233-152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234-187 A: 237-183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244-166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232-180 A: 232-177 (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229-186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232-168 A: 234-162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	

Codes: O=open rule; MO=modified open rule; MC=modified closed rule; C=closed rule; A=adoption vote; D=defeated; PQ=previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary half hour of debate time, and I yield myself such time as I may consume.

Mr. Speaker, although many of us believe that the so-called Truth in Budgeting Act that would be made in order by this rule is an irresponsible piece of legislation, we have no objections to the rule itself. It is the first open rule the House has considered this year, and we commend the majority for bringing this controversial legislation to the House floor in this manner.

We also commend the majority for providing an extra hour of general debate time—for a total of 2 hours—and allowing the chairmen and ranking minority members of the two committees of jurisdiction to control one-half hour of debate time each. That provision of time is adequate and fair for a measure that has been reported favorably by one committee of jurisdiction, the Transportation and Infrastructure Committee, and adversely by the other, the Budget Committee.

Mr. Speaker, proponents of this legislation make a good case that we need to increase spending for our Nation's transportation infrastructure. Many of our highways, airports, mass transit systems, and ports are in serious need of repair, modernizing, and expansion; and our failure to spend an adequate amount on these projects is costing our Nation dearly in terms of lower productivity. However, moving four transportation trust funds off budget, and out from under the discretionary spending caps, as H.R. 842 would do, is not the appropriate way to solve this problem.

By freeing transportation spending from the budget constraints that are currently imposed on all discretionary spending programs, it is likely that transportation spending will increase by about \$20 to \$21 billion over the next

5 years. But to compensate for that extra spending, Congress would have to increase the deficit by that amount, or make deeper cuts in other discretionary programs.

We may well decide that we want to spend an extra \$20 billion on transportation projects over the next 5 years. But if we do, we should make that decision with full awareness of the consequences of such action for other Federal programs, and for our efforts to reduce Federal deficits.

However, if transportation spending is given the preferential budgetary treatment provided by H.R. 842, we would no longer determine the appropriate amount to spend on transportation projects in the context of our decisions on all other Federal spending; we would no longer be forced to make the necessary tradeoffs that we currently have to make whenever spending is increased for any program.

Furthermore, if special budgetary treatment is given to transportation spending, advocates of other programs that are funded by dedicated revenues will demand the same treatment. And there are nearly 160 other trust funds, and hundreds of similar special accounts, within the Federal budget. This bill could be the first step toward a fracturing of the Federal budget that would make the work of managing the spending of our Federal dollars, and determining the size of the Federal budget, far more complicated and difficult than it already is.

Finally, Mr. Speaker, this bill is based on a faulty premise—that we are raising more revenues dedicated to transportation than we are spending on transportation projects and therefore, those revenues mask the true size of the deficit. In truth, in 12 of the past 15 years, spending from the transportation trust funds has exceeded the amount of revenues received. The surpluses in the trust funds that currently exist result largely from interest that has been credited to the funds on balances that accrued many years ago.

Mr. Speaker, to repeat: We have no objection to the rule, since it is an open rule that will allow for a full debate on H.R. 842. But we strongly urge Members to reject the bill itself.

Mr. Speaker, I reserve the balance of our time.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a very valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman emeritus, the gentleman from Tennessee [Mr. QUILLEN] for yielding time to me.

I rise in support of this good open rule. But I must say to my colleagues that I am perplexed that we are bringing this pleasure to the floor. I, of course, do have enormous respect for Chairman SHUSTER and his colleagues on the Committee on Transportation and Infrastructure who believe they are doing the right thing for the transportation infrastructure of our Nation with this bill. But I and others cannot agree with their conclusion because of our commitment to the higher goal of controlling Government spending.

Mr. Speaker, 2 days ago Americans were reminded in an extremely personal way of the extent to which Government feeds upon our families' budgets. Americans are working several hours each day just to fulfill their overall tax burdens now, and yet the Federal Government still cannot make ends meet. Despite concerted efforts to shrink Government spending, we remain nearly \$5.5 trillion in debt. That is trillion. Given the fact that we spend over \$200 billion every year just in interest to service that debt, it is obviously incumbent upon us to handle with care the process by which we consider and make all our spending decisions, and that is why I cannot support the bill before us today.

Not 2 days after tax filing and not 2 weeks after the President signed into law the historic line-item veto to increase control over our Federal budget,

this House is now considering a measure to weaken our hold on spending and make it likely that Government will spend more, not less, in the future. This bill, although very well intentioned and pleasantly titled, has the effect of shielding one type of Federal spending from all budget controls that would currently apply, and I would say that includes the line-item veto we worked so hard to get.

Although the Committee on Transportation and Infrastructure went to great lengths in its committee report to ensure Members that taking the four transportation trust funds off budget would not in and of itself lead to greater spending, the report went on to make the increase for greater transportation spending in the future. We can be fairly confident that moving these funds beyond the reach of budgetary controls will lead to more spending and more obligation by the American taxpayers.

Mr. Speaker, many Members feel, as I do, that our budget process is in need of comprehensive reform, precisely because we do not have effective spending controls and incentives to save rather than spend. In my view, H.R. 842 takes us in the wrong direction and weakens spending controls and boosts the incentive to spend. I have long championed users' fees, enterprise funds and other creative ways to fairly and reasonably raise revenues for necessary Government expenditures, but putting transportation in a special privileged budget category, I believe, is the wrong way to go.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding to me.

I am sure the gentleman would not intentionally mislead the body.

Mr. GOSS. Mr. Speaker, I would not.

Mr. SHUSTER. Mr. Speaker, the gentleman said that the line-item veto did not apply here. The line-item veto by the President does apply and the President would be able to exercise the line-item veto, which is simply one of the many spending constraints that would be retained if this legislation is passed.

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Mr. GOSS. Mr. Speaker, I am pleased to hear the chairman's assurance on that. Our reading of the bill did not include that assurance. I am pleased to have that assurance that the line-item veto will apply, and I think it will necessarily preclude an amendment that otherwise would have been made. So that is good news.

Mr. BEILENSEN. Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I rise in support of this open rule, and I rise in support today, in strong support, of H.R. 842. This bill is called the Truth in Budgeting Act for a reason. It is commonsense legislation that will take the four transportation trust funds off budget.

Think about it. Every time we go to the gas pump, we are paying into the Highway Trust Fund. Every time we fly on an airline, on a commercial flight, we are paying into the Aviation Trust Fund. These are user fees that are supposed to be used for improvements for our roads, our bridges, our ports, our airports, to widen congested highways, improve safety, and expand airport capacity.

In my own district these are the kind of funds that should be used to widen the Morris Bridge in my hometown from two to four lanes, to construct a south suburban airport to improve aviation capacity in the Chicago area, and they could also be used for quick replacement of the outdated, anti-

quoted, 30-year-old equipment at our air traffic control systems.

Today I have with me a vacuum tube that is used in our computers in our air traffic control system. They need to be replaced. This legislation is a safety issue, as well.

Americans believe that when they are paying their user fees or gas taxes or ticket taxes, that they are going to be used for transportation purposes. Well, unfortunately, for accounting purposes these trust funds have been used to mask the deficit, and because of that my own State in the last 5 years has lost \$260 million in trust funds that would have gone to improve transportation.

As we know, when we improve transportation, we create jobs. That is why groups like the NFIB, the Chamber of Commerce, the Farm Bureau, organized labor, the Conference of State Legislatures, the League of Cities and many others are supporting the truth in budgeting bill.

This legislation will create jobs. In fact, economists say that for every \$1 billion in transportation spending you create 42,000 good paying jobs. This legislation is good for workers, it is good for good-paying jobs, it is good for working families. It is a tax fairness issue, as well, Mr. Speaker.

I urge a "yes" vote on the rule and a "yes" vote on final passage.

Mr. BEILENSEN. Mr. Speaker, I yield myself one-half minute.

Mr. Speaker, this is the first open rule to be considered by the House this session, and we are happy to support it. However, we do want to point out that 72 percent of the legislation considered this session has not even been reported from committee. In fact, 11 of 16 measures brought up this session have been unreported.

Mr. Speaker, I include for the RECORD the following information:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ2	N/A
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Mendez) (Goss) (Smith, NJ); PQ.	N/A
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A
H.R. 1944	Rescissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business; if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Linger Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. *RULE AMENDED*	N/A
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title.	N/A
H.R. 2099	VAHUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(1)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Biele amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bi-partisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate, makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Gov. Reform amend (striking sec. 505) and an amendment striking title VII. Cl. 7 of rule XVI and cl. 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl. 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl. 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute, provides for consideration of the managers amendment (10 min.) if adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) if adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl. 2(1)(2)(8) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl. 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl. 2(1)(2)(8) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing gets priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl. 2(1)(2)(8) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	ID
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl. 5(6) of rule XXI (¾ requirement on votes raising taxes); PQ.	ID
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all points of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl. 5(6) of rule XXI (¾ requirement on votes raising taxes); PQ.	ID
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl. 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(1)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(i)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min.).	N/A
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions: H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each.	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. **NR; PQ	N/A
H.J. Res. 134	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. **NR; PQ	N/A
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. **NR; PQ	N/A
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; **NR; PQ	N/A
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amendments printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amendments in report (20 min.) on each en bloc; PQ	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speaker's table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. **NR	N/A
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. **NR	2D/2R
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of order against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on en blocs; provides a Senate hook-up with S. 735. **NR	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amendments in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. **NR	N/A
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. **NR	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive; 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) **NR	ID
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 94% restrictive; 6% open. **** All legislation 104th Congress, 65% restrictive; 35% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ***** PQ Indicates that previous question was ordered on the resolution. ***** Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of the rule to bring H.R. 842, the Truth in Budgeting Act, to the House floor. It is time that the full House take action on this issue, and this open rule would allow such a debate to take place.

The Truth in Budgeting Act would simply take four trust funds off budget:

the Highway Trust Fund, the Aviation Trust Fund, the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund. These are dedicated user funds which can only be used for infrastructure investment.

For those concerned that H.R. 842 will somehow allow infrastructure spending to grow unrestrained, I would point out that the legislation establishes automatic spending safeguards. Identical to the safeguard already contained in the Highway Trust Fund, H.R. 842 will ensure that the remaining

trust funds are deficit proof and operate on a pay-as-you-go basis.

The Secretaries of Transportation and Treasury Department will have to review the Aviation Trust Fund annually to determine if expected receipts will cover the authorized aviation expenditures. If the trust fund does not cover unfunded aviation authorizations, then those authorizations must be reduced on a pro rata basis until the shortfall is covered.

The Army and Treasury Secretaries will review the Inland Waterways and

Harbor Maintenance Trust Funds in the same manner.

For over 20 years now the spending from these trust funds has been capped in order to make the Federal deficit look smaller. This has allowed Congress and the administration to hold back funds from infrastructure development and instead spend additional money on social programs. While many of these programs have merit, they should not be paid for by holding back money from these trust funds.

My colleagues on the other side of this issue say by taking the trust funds off budget we will increase the deficit, and I would remind them again that by law these trust funds can only be used for transportation purposes, and if the trust funds are being used to pay for social programs or other programs, then we have got to find an alternative way to fund those programs or we must cut them back and restrain the growth in spending.

Mr. Speaker, this is first and foremost a tax honesty issue. As my colleagues know, every time a motorist buys gasoline or a traveler buys an airline ticket, taxes are paid into the highway and aviation trust funds. Congress imposed these taxes with the assurance that the collected funds would be spent for infrastructure improvements and infrastructure improvements only.

Most people in our Nation take our infrastructure for granted. We are very fortunate to have the resources and the planning needed to create a first-class system or a class system. But much remains to be done, and much deterioration is in our infrastructure. The cost of upkeep and maintenance alone runs very high. So it is essential that we take these trust funds off budget.

Currently, the Department of Transportation estimates that the backlog of needs for our Nation's highways and bridges totals \$315 billion. Simply maintaining our current transit system is estimated to cost \$8 billion annually for the next 20 years, and according to airport groups, airport investment needs are \$10 billion a year.

As I said, the issue is truly one of honesty. In the President's first year in office he was interviewed by a reporter in my district in Arkansas, and my district happens to be the largest metropolitan area in the United States without an interstate highway. We are working on it, but that kind of need is so essential across this country, and the President was asked the question, "What can you do, Mr. President, to insure the construction of this highway needed in my district?"

His response was, "The most important thing this administration can do is to take the highway trust funds off budget."

I do not know what his position is on this today, but he was absolutely right when he made that statement. The

most important thing we can do for building the infrastructure of this country is to take these funds off budget and be honest with the American people about the needs we face and the need that we have in the deficit. Let us be honest with the American people, let's be fair with them, by taking these trust funds off budget.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 396 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 842.

□ 1154

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Ohio [Mr. KASICH], and the gentleman from Minnesota [Mr. SABO] will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, our Nation's infrastructure is crumbling. Even our vaunted Interstate System is filled with potholes. Our Air Traffic Control System is blacking out. We still have vacuum tube computers running the Air Traffic Control System. Across America we need to invest in infrastructure. Indeed, travel on our highways is growing at a compound rate of 3 percent a year; trucking, as we move into the next century, will see a 28-percent increase in travel on our highways. We will experience, as we move into the next century, a billion people traveling commercially in aviation a year, and it was only 230 million traveling just 15 years ago.

We need to invest in infrastructure. But that is not the most important reason why we should pass this legisla-

tion today. The reason that we should pass this legislation today, the most important reason, is because we need to keep faith with the American people, we need to have honest budgeting, we need to put the trust back in the trust fund, and that is what happened originally.

We hear a lot about the Contract With America this year, and I certainly think it is important, and many do, but the original Contract With America was a contract that Dwight Eisenhower and the Congress made in 1956. They said to the American people, "We're going to charge a gas tax when you drive up to the pump, and we're going to put that gas tax in the trust fund, a highway trust fund, and we're going to spend that user tax to improve your highways," and then later on they said, "We're going to create an aviation trust fund, and when you get on an airplane you're going to pay a 10-percent ticket tax, and we're going to take your 10-percent ticket tax, your user tax, for getting on that airplane, and we're going to put that in an aviation trust fund, and under the law that money won't be able to be spent for anything except to improve our aviation system, our airports, our runways, our terminals, our air traffic control system, so we can have a safe system."

Mr. Chairman, that is the way the highway trust fund and the aviation trust fund and the other trust funds worked until 1969, when Lyndon Johnson had a bright idea, trying to figure out how to mask the size of the deficit. He realized that while it is true under the law, this money cannot be spent in these trust funds for anything other than their highway, aviation purposes. If we do not spend the money, if we let the balances build up, then we can mask the size, we can hide the size, we can distort the size of the true general fund deficit. And so he created the so-called unified budget, and once that was done, over the years both Democratic and Republican Presidents have used this gimmick to distort and hide the size of the true general fund deficit.

What has happened as a result of it? Today there is over \$30 billion in balances in the transportation trust funds, transportation trust funds which, by the way, are different from many other trust funds in Washington in that they are totally user financed.

Mr. Chairman, I would like to remind my colleagues that back in 1964, before the unified budget, the American people were asked, "Do you have confidence that your government generally will try to do the right thing, your Federal Government," and 76 percent of the American people said, "Yes," and today, when asked that same question, "Do you have confidence that your Federal Government generally tries to do the right thing," only 19 percent of the American people say yes.

□ 1200

I submit to you that exhibit A is the way these transportation trust funds have been distorted and manipulated and used, so we have not kept faith with the American people.

Indeed, the Speaker of the House has said many times that we should either spend this money, these user taxes, for the purpose for which they were created, or if we do not have the needs, we should reduce the tax. Indeed, that is exactly right. I do not think there is anybody in this Chamber who would say we do not have the needs. Indeed, the user fees are the fairest form of taxation there is, because the person who benefits is the person who pays.

There are a couple of myths which have been floating around which should be answered. The first is that, well, the revenue that has come into the trust funds, the transportation trust funds over the years, has really equalled or even exceeded the amount that has been spent. That is only half the story, because what our colleagues who make these arguments do not tell us is that they are not counting the interest that has gone in on the balances in these trust funds.

Think about that for a minute. There is a minor little insignificant thing called the law of the land, which says if the Treasury borrows from a trust fund it has to pay interest. So for those who would argue do not count the interest, I would suggest, first of all, it is the law of the land; but secondly, if we do not want to count the interest in the trust funds, then we had better be very, very careful, because nearly 50 percent of the reserves in the Social Security trust fund is based on interest. Are we going to tell the American people we are not going to count the interest, the legal interest that is accruing in the Social Security trust fund? No, the interest under the law must be counted.

Further, Mr. Chairman, we are told that if this legislation passes today, it will remove all controls and we will simply be able to go out and spend whatever we want to spend on all these projects.

Mr. Chairman, simply, factually, that is not true. First, the Committee on Appropriations retains all of the jurisdiction that it now has, and can set the obligational limits, that is, the ceiling, on how much can be spent every year. Further, the line-item veto that the President has does apply, and that can be used.

Thirdly and perhaps most importantly, under the law not a penny can be spent from these transportation trust funds unless the money is there to pay the bill. These transportation trust funds are deficit-proof. Would that our other programs here in Washington were as deficit-proof as these transportation trust funds. If they were, we would not have a deficit.

So there are very substantial restraints and spending controls which

exist if this legislation is passed. Yes, if we build America's infrastructure, for every \$1 billion spent, 42,000 real jobs are created. Yes, if we spend the money to build America's infrastructure, we increase productivity in America, we save lives, we stimulate economic growth.

The Department of Transportation, in a recent study analyzing economic growth in America over the past quarter of a century, says that fully 25 percent of the economic growth, the increase in productivity in America, is attributable to building infrastructure. So, indeed, for all these reasons we should vigorously support this legislation today, not only because the needs are there, but because it is fair, it is right, it is just, it is the honest way to deal with the American people. I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SHUSTER. Mr. Chairman, how will the various committees be recognized?

The CHAIRMAN. The Chair was planning to rotate among the committees.

Mr. SHUSTER. We are not doing 1 hour per committee?

The CHAIRMAN. It is the intention of the Chair to rotate among those Members who seek recognition.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the Committee on Science, in opposition to the bill.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I first of all want to say that my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the committee, is in fact someone who works very, very hard to preserve the Nation's infrastructure, and should be congratulated for the work that he does in terms of trying to make certain that the resources provided to the Nation's infrastructure are in fact adequate, and do in fact reflect the needs of a Nation that is expanding into our future.

My opposition to the bill that he has before us today has nothing to do with the commitment that he has shown over the years to that particular goal. I am concerned, however, about just exactly how this revenue balance moves forward.

The gentleman from Pennsylvania has just described the situation. That is, that the people who propose this bill want to spend not only the revenues that come in for the trust fund, but also want to spend the accumulated interest over a period of years, because they feel as though that interest is

money that ought to be kept in place for improving the infrastructure of the country.

All of that is fine, except that it is all fungible. We just had the Director of the CBO before the Committee on the Budget. She explained that over the past several years, the amount of money flowing into the Treasury to pay for highways has been equalled by the amount of money flowing out of the Treasury to pay for highways. So they have remained in relative balance over a period of some years.

What this bill says is, oh, but in addition, we want the money in interest. Understand, the interest payments we are talking about here are not new money for the Government, they are taxpayers' money as well. It is, again, the same taxpayers' money. Therefore, the money, the \$19 billion of interest that seeks to be spent under this bill is \$19 billion of discretionary money that will have to be taken out of somewhere else in discretionary accounts.

So, if in fact you are going to do this, and you are going to achieve what the committee seeks to achieve with this bill, you are going to have to take it away from other spending. You are going to have to take it away from other things which are vital to the country, such as spending money on the research and development to take us to the economy of the future.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, the initial purpose of the highway trust fund when it was crafted in 1956 was to finance the national system of interstate and defense highways, the world's largest infrastructure project and one of the marvels of engineering of the world, and was based upon the idea that we needed a dedicated revenue stream to finance projects that would take a long time to design, engineer, acquire right-of-way for the roadway to be built upon, and then to construct that roadway. So the framers of the Interstate Highway System Program conceived a dedicated revenue stream to be financed by a tax upon the users of the system, all those people who drive cars and trucks, and a tax upon fuel was agreed upon.

It was also agreed in that initial legislation that this fund should be held in trust for the purpose for which it was intended, and that it should be deficit-proof, as the chairman of the committee has already expressed.

It has been an enormously successful program. We have spent \$120 billion on the Interstate Highway Program. It represents 1 percent of the Nation's highway mileage. It carries 26 percent of the Nation's highway traffic. That represented last year 990 billion miles traveled on just the Interstate Highway System alone.

But over time, the idea of retaining some of the moneys from that trust fund and not spending them became

very popular with the executive branch. Every dollar of tax revenue from the highway users tax is invested in U.S. Treasury notes. Those Treasury notes, like the World War II bonds, bear interest. The buyer of those bonds gets the principal plus the interest.

That was the idea that we applied in the highway trust fund, that revenues from the highway user tax on fuel would be invested in Treasury notes, which would bear interest, and which interest would go into the highway trust fund. In contrast to what our previous speaker said, the fact is this is not just free money, this is money owed to the highway fund. It is money owed to the users of the system by all taxpayers, by the Federal Government for the use of those dollars.

So over time, Mr. Chairman, what has happened is that the executive branch has withheld not only interest, but the principal that has been paid in by highway users into the highway trust fund, and conveniently kept it in the unified budget account to make the deficit look less than it really is.

Mr. Chairman, what we want to do is to free all of the transportation trust funds from the artificial and unnecessary constraints of the budget process and allow those funds to be used and invested to reverse the deterioration of our Nation's infrastructure. This is not adding to the deficit, it is a deficit-neutral step that we take here. We urge everybody to support our legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is one of the rare times I find myself on the opposite side of an issue with my good friend, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. Chairman, I wish I could tell the House that Santa Claus was here, but Santa Claus is not here. The reality is that if one is trying to achieve a certain deficit target or trying to balance a budget within a specified period of time and one spends more on something, you have to spend less on something else. Those are the simple facts.

I like highways. Appropriate expenditures on highways are an important investment in this country. Appropriate expenditures on airports are an important investment in this country. Appropriate expenditures on transit are an important expenditure and investment in this country. But we have to make those judgments in relationship to the other choices we have to make.

I also happen to think that money spent on research and development is important, that investment in education is important, that investment in our housing supply and housing availability in this country is important. All of those are going to suffer if this proposal passes today, and the assumption is that somehow billions of new

dollars appear to be expended. Those others inevitably have to suffer, because those are the choices we have to make every year in Congress. There is no free pot of money there, available, that has no impact on deficits, no impact on other expenditures. If this passes, if there is additional money spent on those programs beyond projection, something else has to come down. It is the simple fact.

What about the inner workings of these plans? Highways; when did this accumulation of surplus occur? In the 1960's, and in the 1970's. The fact is, since 1981 we have spent \$18 billion more on highways than the receipts and the tax receipts of that fund; \$3 billion more than total receipts, \$3 billion more than total receipts, taxes, and interest.

One of the interesting things I discovered, and I have an amendment filed, and I do not know that I will offer it today, but I discovered to my amazement that the rate of interest credited to the highway trust fund is between 1 percent to 3 percent higher than the equivalent yield on a 1-year Treasury bill. Somehow, the drafters of this bill and of this law managed to get very lucrative interest rates credited to their account.

What about some of the other workings of some of these specific funds? The airport trust fund, we think it pays for aviation. The reality is that over the years, one of the fundamental reasons they have a surplus is that we have used the general revenue fund to subsidize the operations of FAA. Every study I have seen would indicate that about 85 percent of operations of the FAA should be tied or should come from the trust fund if they really paid their accurate share. Maybe 15 percent of it could be credited to defense and other governmental use of the airways. In reality, it has been about 50 percent of the operations that are paid for from the trust fund. If it would have paid its actual share, no surplus would exist.

□ 1215

What about in recent years? Since 1981 we have spent more than excise taxes and interest on the highway trust fund. Has that changed in the last couple of years? No. 1994, 1995, we have spent more than interest and current revenues on highways. So this is a fund that has not been mistreated. This involves sort of this wish that somehow this pot of free money exists that somehow can be made available and not impact anyone else. I would hope the House would reject that argument and say that these funds are part of the overall budget strategy involved in the dynamic debate every year of how we set our priorities. There is one way we do that and that is by rejecting this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to my friend and neighbor, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. I thank the gentleman for yielding me time.

Mr. Chairman, the Truth in Budgeting Act is nothing more than an act of keeping faith with the American people. It allows the transportation trust funds to do what they were originally intended to do.

The fact that we have to debate and vote on this bill is—I think—an admission that Congress has in recent years deceived the American taxpayer. When past Congresses first created these trust funds, several promises were made that were reflected in the original statutes. One was that Federal excise tax receipts would be dedicated to building and maintaining these transportation assets and that these activities would be self-sustaining. Another was that no general fund revenues would be used to support these programs. And a third was that activities funded by the trust funds could not run a deficit.

During the intervening years, these promises have been abrogated. Now trust funds are constrained—they're prevented from spending out at the same rate they take in revenues. And that is simply wrong. We have been practicing a grand scheme of deceit with the users of highways, airports, and inland waterways—meaning virtually everyone.

And believe me, there has been a price paid for this deceit: congestion, pollution, and higher costs for goods and services.

Many in this Congress have made great hay about not burdening future generations with the excesses of current and past spending practices. I maintain that the Truth in Budgeting Act is very much in the same vein. We have the money to build more capacity now, but we're not spending it, even in the face of growing highway and airport congestion. And if you project out over the next 7 years the growing balance in the trust funds should this legislation not be enacted, the backlog of work will grow tremendously. Do not punish future generations even more than we already have—vote to support H.R. 842.

Mr. SHADEGG. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in strong opposition to this bill. Before I get into it, I want to pay my respect to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Appropriations Committee who has been so diligent in trying to solve this deficit. Also to the gentleman from Ohio [Mr. KASICH] who has been a warrior and his staff that have made all the difference. The fact is that if BOB DOLE has any sense, he will pick one of the

three Johns as his Vice President—Jack Kemp, JOHN MCCAIN, or JOHN KASICH. All would be good for our ticket. JOHN has been a warrior, and to even be dealing with this bill now wipes out many of the things that he has been trying to do.

What we are dealing with today is money, power, and pork. Remember those words: Money, power, and pork.

Remember the words from Simon and Garfunkel's song "The Boxer", where it goes on, "I am just a poor boy though my story's seldom told."

He ends by saying, "A man hears what he wants to hear and disregards the rest."

Many in this body are hearing what you want to hear and disregarding the rest. More money has gone out to transportation than was in the trust fund. More money in the last 12 or 15 years has gone out than was in the trust fund. So many people are disregarding what they do not want to hear.

This bill presents and protects sand and gravel and cement. Then it says to those who are elderly with Alzheimer's disease, "We're not going to protect you."

"You may have cancer and you may be worried about cancer research, but we're not going to protect you."

"You may be worried about education, but we're not going to protect you."

"We're going to protect sand and gravel and cement and tar and pitch."

What about the 160 other trust funds? The Endeavor Teacher Trust Fund. "Who cares about the teachers?"

The Radiation Exposure Trust Fund. "We don't care if you've been involved in radiation. Who cares?"

The Civil Service Trust Fund. "Who cares about that?" And on and on and on.

Look what the experts have said. Alan Greenspan, what he said about this and others will go into detail. Paul Volcker, what he said; Herb Stein, what he said; Michael Boskins, what he said; what all of the people have said. "This is not a good idea."

What have some of the groups and newspapers said? The Concord Coalition has said, "Passage of this legislation would severely jeopardize the chances of balancing the Federal budget."

The National Taxpayers Union has said, "Placing these trust funds off-budget is nothing less than a ploy to increase spending." This Congress should not be involved in a ploy to increase spending.

The Citizens Against Government Waste says, "The Truth-in-Budgeting Act sounds great to the public, but it's simply a ruse to increase the \$5 trillion debt."

The Americans for Tax Reform is opposed to it, the Committee for a Responsible Federal Budget, the Citizens

for a Sound Economy. You name it and they are opposed to it. The New York Times, the Washington Post, the Washington Times, the Wall Street Journal, and you go on and on and they are opposed to this. This is a very bad bill. But for the main reason, for this side, I will not talk to this side but for our side, we have died and fought for a balanced budget. JOHN KASICH, the Speaker, the gentleman from Louisiana, Mr. LIVINGSTON, and others have done everything they can for a balanced budget. If we pass this, we will never have a balanced budget in your life in this Congress. You will never ever see a balanced budget in this Congress. There is no two ways about it. Because you are not going to have the guts to cut Alzheimer's, you are not going to want to go after Social Security, you are not going to want to cut the radiation fund, you are not going to want to go after defense, you are not going to want to go after crime, and therefore we will never ever have a balanced budget in our lifetime in this Congress.

The American people should know that. This vote today will determine whether or not we will ever have a balanced budget.

So in closing, let me talk about three words and maybe throw in one other word. What are we talking about today? We are talking about money. This town knows what money is. Members know what money is. We are talking about money. We are also talking about power. We are talking about power, raw power. And we are talking about something that this body says it does not like but it is sadly addicted to it, and that is pork. And lastly one other thing we are talking about. We are talking about fear. I sense there is fear in the body today. I sense in the hearts of some of the Members that I have talked to, there is fear. They really would rather not be where they are but yet there is a sense of fear.

Let me just close with a quote from Robert Kennedy that has always meant a lot to me. It is from his Capetown speech in 1966 in Capetown, South Africa, when he was speaking to the students, and this is what he said. He talked about fear and men and women in leadership being timid. I will close with this. I quote from Robert Kennedy, Capetown, 1966.

He said:

Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who seek to change a world which yields most painfully to change.

I strongly urge the defeat of this so we can validate what the gentleman from Ohio [Mr. KASICH] and the gentleman from Minnesota [Mr. SABO] and the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] have done.

Mr. Chairman, I rise in opposition to H.R. 842 and efforts to move transportation trust funds off-budget.

This issue has certainly engendered extensive debate and controversy and even a coalition of special interests and lobbying groups formed to promote taking the trust funds off-budget using the slogan that we have to "put trust back into the trust fund."

If only we could have directed the enormous energy, time, and talent focused on this issue to address broader—and frankly, much more important—transportation issues. I believe the coalition efforts are misdirected. Trust is not at issue.

If only we could have harnessed the zeal with which many have approached the trust fund issue and directed it to what I believe are greater issues in setting highway and transportation policy.

If only we could debate the highway funding formulas now in place, which dole out highway funds to States using 1980 census figures. Why are we relying on decade-and-a-half old population figures? If there is unfairness in highway transportation today, the on-off budget trust fund issue isn't it.

If only we could debate the whole issue of the Federal gasoline tax which many would argue should be turned back to the States which can better determine their individual needs, getting Uncle Sam out of the highway program.

If only. But we are where we are and today we will vote on this issue which has been simmering for over a year.

There are a few facts to keep in mind when considering this issue:

First, while balances may remain in transportation trust funds, these funds are already obligated. The cash balances in the trust funds do not represent unspent gas taxes. The highway program is a reimbursable program—lines of credit are provided to State agencies to plan and construct highways. Then, 3 or 4 years later, the States seek reimbursements from the trust fund to pay those bills. That's why the cash balances do not represent a surplus. These balances are like your checking account balance after you have deposited your paycheck but before your home mortgage and car payment checks have cleared the bank. Like your home mortgage and car payment, commitments have already been made against the balances in the trust fund. In fact, commitments have already been made in excess of the current cash balance by over \$30 billion. In other words, if we were to stop collecting the gas tax at the end of this year, the trust fund would have a deficit of over \$30 billion. How would we deal with this deficit? I don't think we could.

Not only that, highway funding has substantially exceeded trust fund tax receipts. In 12 of the past 15 years, highway trust fund spending exceeded tax revenues. That means that the amount of money the Government spends on transportation has exceeded the amount of money provided for transportation spending from dedicated trust fund taxes.

But the trust fund is not the only source of transportation spending. Not only are transportation trust funds tapped for roads and bridges, the general fund is also being used to pay for transportation programs.

How much money are we spending on transportation? According to the Congressional Research Service, in fiscal year 1995, general treasury funds provided more than \$12 billion for transportation programs above and beyond funds provided from transportation trust funds. According to CRS, the general fund figure does not include Maritime Administration, Federal Maritime Commission, U.S. Army Corps of Engineers or Department of Defense spending on transportation programs, all of which also tap into the general fund to pay for transportation projects.

Second, while transportation is vital to the economic well-being of our country, there are other issues vying for priority status. There are many important programs demanding critical funding.

A third and possibly most important point: This issue is about reining in the Federal deficit and balancing the budget. Congress has had a very difficult time making the tough choices necessary to move toward a balanced budget. We still have a long way to go to meet our deficit reduction goals, and many more tough choices to make.

How much more difficult will these choices be if we have to find an additional \$30 billion in cuts—\$30 billion—that's the additional cuts we will have to make if transportation trust funds are moved off-budget. If transportation spending gets special treatment, we will have to find \$30 billion in cuts in discretionary spending in other parts of the budget.

Are you prepared to cut Alzheimer's research funding? Cancer research? Research on other life threatening diseases? Veterans' health care? Head Start? Crime prevention? Education? Job training? Environmental protection and cleanup programs? National defense? These are the kinds of spending programs that would face cuts—potentially significant cuts—if transportation spending is treated as an entitlement subject to preferential budgetary treatment.

Mr. Chairman, I do not believe Congress or the American people want to subject these critical programs to even further cuts. Nor do I believe Congress or the American people are prepared to accept additional taxes which would be necessary to pay for increased transportation spending if offsetting cuts elsewhere in the Federal budget are not made. Are you prepared to vote "yes" for a tax increase?

When we are concerned about providing adequate funding to provide basic health care, education programs, protection for our country's natural resources, when we are working to provide safe streets and neighborhoods, and a sound and secure financial future for ourselves, our children and grandchildren, it is not the time to single out transportation and insulate it from these tough choices. I would also point out that there are some 160 other dedicated trust funds currently part of the unified budget. What if we move all of the trust funds off-budget and establish each and every one of them as an entitlement subject to preferential treatment. What makes these trust funds different from the transportation trust funds?

Sand, gravel, asphalt, and concrete. Are these more important than the Black Lung trust fund? Are the transportation trust funds a

higher national priority than the Endeavor Teacher Fellowship trust fund, the Radiation Exposure Compensation trust fund, the Civil Service Retirement trust fund, the Federal Employees Life Insurance trust fund, or the Rail Industry Pension fund?

As important as transportation is, we have to balance transportation needs with all the other programs supported by the working men and women who are taxpayers. This country, all Americans, are in this together and we have to balance all the priorities and all the needs of all the people.

Another point: H.R. 842 will erode the checks and balances between the authorizing committees and the tax and appropriations committees. This bill will provide one committee with extraordinary ability to obligate U.S. taxpayers to long-term spending commitments. As Members know, there is constant pressure from the legislative committees to spend more and more money on their particular programs. This makes sense but there must be built-in controls in the budget process to counteract this natural advocacy.

Despite what the bill's proponents say, H.R. 842 will obviate the need for action by the Appropriations Committee and will eliminate annual controls in the budget process to set priorities. Make no mistake about it. By moving transportation trust funds off-budget, H.R. 842 virtually eliminates the checks and balances that the congressional committee structure now provides for transportation and the other Federal spending programs.

Proponents of H.R. 842 say that not a penny will be spent without the approval of the Appropriations Committee. That sounds good, but in reality, this is false. If H.R. 842 does not change the role of the Appropriations Committee, why are we going through this debate?

There has been a lot of rhetoric on both sides of this issue, so to get an objective view, I wrote to several dozen experts on the Federal budgetary process and transportation spending and asked their opinions on the status of transportation funds. I contacted economists, transportation, Government, and public policy analysts; professors; current and former officials of the General Accounting Office, Congressional Budget Office, and Office of Management and Budget; current and former members of the Federal Reserve Board; and current and former members of the President's Council of Economic Advisors.

The response has been clear and unequivocal: These experts—representing the entire spectrum of social, economic, budgetary, and transportation thinking and representing both Republican and Democratic administrations alike—say keep the transportation trust funds as part of the unified budget. Do not make the changes we are talking about today.

Mr. Chairman, I brought with me copies of these experts' views and ask that they be submitted for the record. Their views—and their unanimity—leave little doubt. Moving transportation trust funds off-budget does not represent sound fiscal policy or budgetary treatment.

I'd like to share a few thoughts from these experts.

Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System, warns:

[M]oving some spending categories off-budget would lead to fragmentation of the budgeting process and would detract from the unified budget as an indicator of the Government's fiscal operations and hence of the impact of the U.S. budget on credit markets and the economy. Moreover, it would weaken the ability of the Congress to prioritize and control spending effectively.

Mr. Greenspan concludes that:

[M]oving programs off-budget raises the risk that resource tradeoffs would become obscured and could engender cynicism in financial markets and the public at large about the commitment and ability of the Government to control Federal spending.

Mr. Greenspan's views are echoed by Paul Volcker, former Chairman of the Board of Governors of the Federal Reserve System, who states:

[T]he present practice of including the transportation trust funds in the unified budget should be continued. I am reinforced in that conclusion by the fact that nothing in the unified budget prevents the Congress and the administration from reaching a decision to maintain highway spending (or any other spending) at a particular level it deems a priority matter. Trust fund accounting within the unified budget may *** be helpful in reaching that decision.

Herbert Stein, senior fellow at the American Enterprise Institute for Public Policy Research and previously a member of the Presidential Council of Economic Advisors, also opposes moving trust funds off-budget, noting:

I would not favor moving the trust funds off the budget. We want to have a comprehensive measure of the Federal Government's fiscal activities.

One thought from Michael Boskin, currently a professor and senior fellow at the Hoover Institution, Stanford University, and previously a member of the Presidential Council of Economic Advisors. He said:

I believe it is likely that moving one popular spending program primarily financed by earmarked revenues off-budget would lead to a stampede first of other trust funds off-budget and then all other spending programs seeking to be funded with earmarked revenue sources. This would quickly render sensible tax and budget policy impossible.

Mr. Chairman, let me share just two more. G. William Miller endorses:

I do not believe a case has been made for excluding the transportation trust funds. From my experience as Secretary of the Treasury and Chairman of the Board of Governors of the Federal Reserve System, I would strongly recommend that you retain the present treatment of the transportation trust funds so that there is no opportunity for losing accountability or setting precedents for further off-balance sheet structures.

The Congressional Budget Office opposes moving transportation trust funds off-budget, too. According to James L. Blum, deputy director of CBO:

[T]he Federal budget should be comprehensive. Setting selected programs aside, and looking at only the remainder, can distort budget decisionmaking. Giving the transportation trust funds a favored footing shifts the onus of deficit reduction to other programs that lack this protected status. Sound decisionmaking, in contrast, demands that spending and revenue proposals be evaluated

on their merits and not on their budgetary status.

I think these experts express the critical issues best. A unified budget—which includes transportation trust funds—is essential to maintaining accountability and control over the Federal budget and Government spending. Moreover, a unified budget is necessary to allow Congress to make the difficult decisions on our budget in the fairest possible way. Creating another entitlement that is off the table is not fair. Nor is it the way to get a balanced budget.

The experts agree that H.R. 842 is bad legislation.

The chairman of the Ways and Means Committee, the chairman and ranking member of the House Budget Committee, the chairman and ranking member of the House Appropriations Committee, and others oppose this legislation.

Citizens for a Sound Economy, Concord Coalition, Heritage Foundation, National Taxpayers' Union, Taxpayers for Common Sense, Citizens Against Government Waste, and Committee for a Responsible Federal Budget are among the taxpayer watchdog groups opposing H.R. 842.

The Wall Street Journal, Washington, Post, New York Times, and the Journal of Commerce oppose H.R. 842.

Mr. Chairman, when such diverse interests agree, it's surely time to take note.

H.R. 842 will make balancing the budget nearly impossible. Every fiscal conservative in the Congress—including those Members who signed onto the bill before knowing its full effect on spending—should look carefully at what CBO, GAO, OMB, taxpayer watchdog groups and a unanimous chorus of economists say about H.R. 842.

H.R. 842 is a bad bill. It files in the face of fiscal responsibility and budgetary restraint. It represents unsound public policy. It represents unfair attempts to bestow a preferential status upon one type of government spending at the expense of every other type of discretionary spending. It will either doom efforts to balance the Federal budget or it will force all other programs not granted sacrosanct status to absorb still more cuts to keep us on track to balance the budget. H.R. 842 would set transportation spending above all other types of domestic spending—above crime prevention, Head Start, veterans' medical care, education, and environmental programs.

This Congress came to Washington to balance the budget, to clear the budget debate of smoke and mirrors. Today's vote on H.R. 842 isn't a fight about trust funds or promises. It isn't a fight between authorizing and appropriating committees. It is a vote over priorities. It is a vote to test our resolve, to see if we as Republicans and Democrats are serious about balancing the budget.

If you are serious about cutting spending, vote "no."

If you are serious about balancing the budget, vote "no."

Enactment of H.R. 842 would break faith with sound economic policy and would cede control over the Federal budget and transportation spending to special interests. H.R. 842 should be defeated.

The choice is clear—vote "no" on H.R. 842.

JOHNS HOPKINS UNIVERSITY,
INSTITUTE FOR POLICY STUDIES,
Baltimore, MD, September 21, 1995.

HON. FRANK WOLF,
Chairman, Appropriations Subcommittee on
Transportation, House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: I am writing in response to your letter of August 23, 1995 to express my opposition to moving transportation trust funds off-budget. Thus, I would not support Congressman Shuster's legislation which would move four transportation trust funds off-budget. I think this would set a dangerous precedent which would have serious long-term implications for the nation's fiscal health as other user fee supported activities rush to be moved off-budget.

I would like to respond directly to the three main points raised in your letter. First, I agree with those opposed to moving the transportation trust funds off-budget that a unified budget is essential to maintaining accountability and control over the federal budget and government's claim on private resources. The unified federal budget has received bipartisan support since 1969. It describes the aggregate economic activity and health of the federal government. Receipts and expenditures are detailed in one comprehensive package, providing decision makers and citizens valuable information on the government's activity and claim on national income. Fragmenting the budget presentation only obfuscates the federal role in the economy and is totally inconsistent with efforts to reinvent government and improve its legitimacy with voters and citizens.

Second, the fact that these trust funds are financed from user fees is totally irrelevant to whether they should be moved off-budget. User fees are not synonymous with earmarked funds. User fees are proxies for prices which are necessary to provide suppliers of a service with information about the demand for specific services. Unfortunately, however, in the case of the transportation trust funds, user fees are generally poor price proxies because they do not accurately reflect the total cost of providing transportation services. In any event, you obtain the rationing affect of prices, irrespective of decisions about how to allocate the revenues generated from those user fees. From an economic efficiency perspective, the two are not linked.

In addition, earmarking of revenues is generally not a desirable budgetary practice because it limits policy makers flexibility to respond to changing circumstances and priorities.

Third, it is not clear how much more spending that nation needs on individual transportation modes. The demand for transportation services is a derived demand which depends on demographic, economic and international trends beyond the control of policy makers in the U.S. Policy makers need to understand those trends and the implications they have for the demand for transportation services in the U.S. The limited resources available for transportation purposes should then be allocated in a manner which addresses the nation's transportation needs as influenced by those trends. This may or may not be consistent with a policy of earmarking specific user fees for expenditures on the individual transportation mode that generated those revenues.

In an era of serious budget constraints at all levels of government, it is critical that policy makers have the flexibility necessary to respond to the changing transportation needs of the country. Thus, Congress may

want to investigate new ways of applying transportation trust fund revenues to meet these changing needs. For example, the nation's transit needs have changed considerably since 1956 when the Highway Trust Fund was initiated. Perhaps it is time for the federal government to consider a single transportation trust fund, with resources pooled from various user fees, so that funds could be distributed to meet America's diverse transportation needs in a more efficient manner. This is the approach taken by the Maryland State Department of Transportation and it is consistent with the increased flexibility and selectivity in the Intermodal Surface Transportation and Efficiency Act. Maybe the federal government has more to learn in this area from the experimentation taking place in the states.

It is entirely appropriate in my view to rethink the model of transportation finance developed over the past fifty years. Proper investment in diverse transportation modes will yield greater productivity and long-term economic strength. Restructuring the federal budget process by moving transportation trust funds off-budget, however, is neither necessary, appropriate nor desirable.

Sincerely,

MICHAEL BELL,
Principal Research Scientist.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 26, 1996.

HON. FRANK R. WOLF,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This letter is in response to your request for additional comments as to whether the transportation trust funds should remain part of the unified budget. My views are fully expressed in my previous letter, dated September 28, 1995, and I have nothing to add at this time.

I will simply reaffirm the main point stated in that letter: the federal budget should be comprehensive. Setting selected programs aside—that is, taking them "off-budget"—can distort budget decisionmaking. For example, giving the transportation trust funds a favored footing shifts the onus of deficit reduction to other programs that lack this protected status. In contrast, sound decision-making demands that spending and revenue proposals be evaluated on their merits and not on their budgetary status.

I have attached a copy of my earlier letter, which contains a more complete discussion of the possible consequences of designating certain programs as off-budget. I hope this information is helpful to you.

Sincerely,

JAMES L. BLUM,
Deputy Director.

Attachment.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1995.

HON. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: This is in response to your letter of September 20, 1995, asking for my views on whether the federal transportation trust funds should remain a part of the unified budget.

In short, I believe that the federal budget should be comprehensive. Setting selected programs aside, and looking at only the remainder, can distort budget decisionmaking. Giving the transportation trust funds a favored footing shifts the onus of deficit reduction to other programs that lack this protected status. Sound decisionmaking, in contrast, demands that spending and revenue

proposals be evaluated on their merits and not on their budgetary status.

The extent to which taking the transportation trust funds off-budget would distort budget decisionmaking depends on what budgetary procedures and controls would apply to them under their new status. This is not at all clear. For example, each of the three entities currently designated as off-budget—the Postal Service, Social Security, and Medicare hospital insurance—is treated differently under the rules and procedures of the Congressional Budget Act of 1974 (the Budget Act) and the Balanced Budget and Emergency Deficit Control Act of 1985 (the Balanced Budget Act). The Postal Service is exempt from both of these acts, although federal payments to the Postal Service or payments from the Postal Service to the federal government are subject to both sets of rules. Legislation affecting Social Security benefits or revenues is not subject to the pay-as-you-go procedures of the Balanced Budget Act or to the Budget Act constraints that apply to other programs. There are, however, special rules that govern consideration of such legislation in the House and the Senate. In addition, discretionary Social Security administrative costs are subject to the statutory caps that limit total discretionary spending (and to any sequestration that would be triggered if the caps are exceeded) and to the allocations of discretionary spending that enforce spending decisions set forth in the annual Congressional budget resolution. Despite its official off-budget status, the Medicare hospital insurance trust fund is not afforded any special treatment under either the Budget Act or the Balanced Budget Act (there is a limit on the sequestration percentage that would apply to Medicare, but there are similar limits or exemptions for many on-budget programs).

I assume the proponents of a proposal to move the transportation trust funds off-budget view the funds as self-financing entities that should be subject only to internal financing constraints. Under the existing budgetary rules, the receipts going into the trust funds and the spending from the trust funds are controlled by separate budgetary procedures. All outlays from the trust funds are counted as discretionary spending controlled by the caps set by the Balanced Budget Act and the allocations made pursuant to the annual budget resolution, while changes to governmental receipts are subject to the separate pay-as-you-go mechanism and the revenue floor set by the budget resolution. Under these procedures, legislated increases in trust fund receipts cannot be used to offset increased spending. Giving the transportation trust funds off-budget status might allow such offsets. Furthermore, if trust fund spending were exempt from the caps that apply to other discretionary spending, the Congress could approve additional spending without providing offsets—presumably as long as there were adequate balances in the first funds. This might create a closer long-term match between the income to the trust funds and the spending from the funds, which some would view as a more equitable outcome.

The arguments against giving these programs off-budget status involve a different view of federal trust funds. Under this view, which is held by the Congressional Budget Office, the transportation trust funds are simply an accounting mechanism, and spending on programs financed by trust funds should not be given a special status. Taxpayers' dollars are most effectively used if

decisions about spending for transportation and other programs are made on the basis of the relative benefits to be derived, not on the basis of available earmarked revenues. For example, the Congress might decide that more money should be spent on certain transportation activities than is generated by the earmarked revenues—as it already does in the case of Federal Aviation Administration operations. At the same time, decisions about taxes should take into account factors beyond the level of spending on highways or other transportation programs. In 1990 and 1993, for example, the Congress increased fuel tax rates for deficit reduction purposes, placing part of the additional revenues into the general fund of the Treasury. Fuel taxes could also be considered a way of charging users for polluting the air.

I hope this analysis is helpful to you.

Sincerely,

JAMES L. BLUM,
Deputy Director,

STANFORD UNIVERSITY,
Stanford, CA, October 6, 1995.

Hon. FRANK R. WOLF,

Chairman, Transportation Subcommittee, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR FRANK: This note responds to your request for my suggestions concerning whether the federal transportation trust fund should remain a part of the unified budget. I strongly oppose moving the transportation trust fund off-budget.

Many would argue that transportation trust funds collected from transportation "user fees" should be used only for transportation spending and should be removed from the unified budget to ensure that occurs. I believe it is likely that moving one popular spending program primarily financed by earmarked revenues off-budget would lead to a stampede first of other trust funds off-budget and then all other spending programs seeking to be funded with earmarked revenue sources. This would quickly render sensible tax and budget policy impossible.

I strongly side with those who, in this instance, support a unified budget as a (however imperfect) vehicle for maintaining accountability and control, as you put it in your cover note. I also believe that it is desirable to have everything the Government does reflected in one place, as the unified budget imperfectly attempts to do. This is the only way one can begin to hope that a sensible discussion of the trade-offs among budget priorities can occur.

I might add that while I am sure it is upsetting that not all of the transportation trust funds are currently being applied to transportation outlays, it is my understanding of the history over the last twenty years that highway account outlays have substantially exceeded trust fund tax receipts.

More generally, CBO estimates that if one were to take all activities which have some trust fund financing and ask the question "what is the net effect on the deficit of the revenues and outlays on those programs," the answer, perhaps surprisingly, is that general fund revenues fund major portions of activities that are partially and/or heavily financed by trust fund revenues. Thus, from another perspective the general treasury is "subsidizing" overall trust fund activity. Whether one should view the glass as half-empty or half-full I leave aside. My point here is only that it would be unwise to open a Pandora's box by moving transportation trust funds off-budget.

While there are many problems with the existing unified budget—by far the most im-

portant of which is the lack of serious accrual accounting—I believe that despite the concerns of people paying the user fees (we in California, myself included, drive a lot and thus pay lots of federal gasoline taxes), or those wishing to spend additional resources on transportation, the transportation trust fund should remain part of the unified budget. It would risk a serious accountability and control problem if Congress opens a Pandora's box of trust fund escape from budgetary discipline.

I hope these remarks are useful to you as you debate this and related issues. Best personal wishes.

Cordially,

MICHAEL J. BOSKIN.

RUTGERS,

Camden, NJ, September 5, 1995.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: In response to your letter of August 23, I am happy to send this answer to your question about whether the federal transportation trust funds, particularly the highway trust fund, should be taken "off-budget."

I must say that I agree with both James R. Miller and Alice Rivlin in strongly opposing the removal of the trust funds from the unified federal budget.

As a political scientist specializing in transportation policy, I have been researching and writing about the issue of the trust fund approach to highway and transportation funding for fifteen years. Taking the trust funds off budget represents just the latest in a long line of unjustified claims for special treatment for one particular type of revenue and expenditure. It reflects, not good government or good public finance, but the political strength of special interests, mainly the highway lobby.

The federal highway trust fund (and its state level cousins) has always been a bit of a fraud, designed to convince the public that their modest pennies per gallon highway taxes were paying all the costs of the road system. Overwhelming evidence has accumulated that this is not the case, and that at least forty percent of total highway construction, maintenance, and operations costs are subsidized by the general taxpayers.

The other unjustified contention is that it would be a "breach of contract" to "divert" motor fuel tax revenues to non-highway uses. This claim for special privilege for "highway user fees" has caused no end of mischief. The United States still has a long way to go before it reaches the point of being able to compare and evaluate investments of scarce public moneys across modes and between transportation and other uses that our major trading partners attained decades ago.

In my book, "Miles To Go: European and American Transportation Policies" (MIT Press), I recount how the British finally put paid to the notion that motor taxes deserved special treatment. When Winston Churchill was Chancellor of the Exchequer (Treasury Minister) in 1926-27, he began to take money from the Road Fund that Lloyd George had created in 1909 with a parliamentary promise to spend the proceeds from taxes on cars and petrol on roads. When motorists groups such as the Royal Automobile Club accused Churchill of "raiding" the road Fund like a pirate, he thundered back:

"Whoever said that motorists were to contribute nothing for all time to the general revenue of the country. . . ? Entertainments

may be taxed; public houses may be taxed; racehorses may be taxed; possession of armorial bearings and manservants may be taxed—and the yield devoted to the general revenue. But motorists are to be privileged for all time to have the whole yield of the tax on motors devoted to roads. Obviously this is all nonsense. Whoever said that, whatever the yield of these taxes, and whatever the poverty of the country, we were to build roads, and nothing but roads, from this yield? We might have to cripple our Trade by increased taxation of income; we might even be unable to pay for the upkeep of our Fleet. But never mind, whatever happens, the whole yield of the taxes on motors must be spent on roads. . . . Such contentions are absurd, and constitute at once an outrage upon the sovereignty of Parliament and upon common sense."

It would be nice to see an American politician rise to his "finest hour" with this kind of challenge to entrenched interests.

In recent years the trend has been to move away from the inflexibility and the special treatment of rigid single mode trust funds. Granting off budget status would be a step backward. I strongly urge you to resist this effort, and I would be happy to provide you with further information and arguments if you so desire.

Sincerely yours,

JAMES A. DUNN, Jr.,
Associate Professor.

NATIONAL CENTER FOR
POLICY ANALYSIS,
Dallas, TX, October 6, 1995.

Hon. FRANK R. WOLF,
U.S. House of Representatives,
Washington, DC.

DEAR FRANK: Thanks for your kind letter of September 26th.

I don't know that my advice is technical enough to be included as part of your record, but I would say this:

In eight years as Governor, I fought very hard to keep all funds on budget and avoid setting up the many little pockets of privilege that separate budget items create for various interests. Once you have your own source of funds, you are not nearly as accountable to the Congress, nor is the Congress able to properly supervise the expenditures of the country.

The best way to handle finances is to have all the money come into a single place and then be appropriated out again through Congressional action. The transportation trust fund is one example, but there are legions of others in Washington, as you well know.

I think that keeping funds on budget is the better choice to make.

Sincerely,

PETE DU PONT.

THE UNIVERSITY OF IOWA,
September 6, 1995.

The Honorable FRANK WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request, I am writing to offer my thoughts on the issue of moving the Highway Trust Fund off budget. As you are very well aware, there are reasonably compelling arguments for and against doing so. I will briefly assess these arguments and provide my conclusions.

In principle, the efficacy of a separate, off-budget Highway Trust Fund is largely based on two points:

In its pure form, the so-called pay-as-you-go concept means that users of the Nation's

highway system should defray its entire cost, and they should be assured that their user fees will go to providing the services for which they are paying.

Moving the Highway Trust Fund off budget helps moderate the illusion that the Nation's deficit is less than actually is the case, if the Trust Fund's receipts exceed expenditures in a given year. The GAO report you sent suggests that this "masking" does occur in some years but not that many.

The main reasons for keeping the Highway Trust Fund and other trust funds part of the unified budget are:

It helps enable revenue generated from all sources to be allocated among the activities of government. Trade-offs among competing programs can be treated more explicitly as the Nation's priorities are explored.

The overall magnitude of government spending, and hence the draw away from the private sector, can be more readily comprehended by decision makers and citizens alike. This, of course, facilitates debate on the appropriate scale of government activity.

Conceptually, fees paid by users of the Nation's highways can be thought of as just another revenue source. As you probably know, in Great Britain less than half of the highway user fees actually are spent on the highway system. There is not theoretical reason why highway user revenue or any other user revenue must be spent on the activity from which it is drawn. This point is significant because, as Alice Rivlin says, trust fund revenue accounts for about one-third of the total.

Whether or not to move the Highway Trust Fund off budget is in the end a political decision that unfortunately cannot be guided much by economic theory. It seems to me that the key points surrounding this decision are:

Treating the Highway Trust Fund as a separate account would enable a stable level of well-defined resources to be available for reinvestment in the Nation's highway system (and in ground transportation more generally). According to the Congressional Budget Office, the backlog of highway system resurfacing, restoration, rehabilitation, and reconstruction (4R) needs has grown to a level such that an annual reinvestment of over \$27 billion would be required to eliminate this backlog. Oftentimes, 4R projects lack the political appeal of new of new construction, but reductions in the highway system performance will pose an increasing threat to the Nation's economy.

If the political will exists, the same or even a greater level of expenditures on transportation infrastructure is possible through a unified budget. As noted earlier and in the GAO document you sent, in recent years more has been spent for this purpose than has been paid by highway users (drawing down the Trust Fund's balance). I do not have a good sense of how likely Congress is to make transportation infrastructure a relatively high priority in its budgeting process during the coming years. Simply stated, a unified budget poses an opportunity and possibly a risk to transportation. Past indications are that this risk is normal, other than the deficit-reduction draw on the motor fuel tax of recent years.

The wisdom of using Highway Trust Fund resources for non-transportation purposes is in part dependent on the desirability of motor fuel and use taxes as revenue-generating mechanisms. Neither is seriously regressive, the administrative costs associated with them are nominal, and the fuel tax is

comparatively invisible. To the extent that it is visible, the fuel tax contributes to fuel conservation. If fuel taxes were raised significantly, marginal changes in industrial location and choice of transportation mode could occur.

Using the argument of transportation investment as a means for strengthening the Nation's economic competitiveness is a double-edged sword. If individual projects or at least clusters of projects are selected on the basis of benefits to society exceeding costs, transportation investment can indeed strengthen competitiveness. But if projects are selected as demonstration projects and on other non-scientific bases, then the funds spent on transportation are much less certain to foster long-term growth. In my opinion, the process of determining how available Highway Trust Fund resources should be spent is more important an issue than whether or not to move the Trust Fund off budget.

Thank you for asking me to comment on this important policy issue. If I can be of any further assistance, please feel free to contact me.

Sincerely,

DAVID J. FORKENBROCK,
Professor and Director.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, DC, October 31, 1995.

The Hon. FRANK WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of myself and the other members of the Board, I am pleased to respond to your letter of September 26 requesting comment on proposals to move the transportation trust funds off-budget. As a general matter, it has been the practice of the Board not to take positions on the details of the individual tax and spending issues that are before the Congress. However, the shifting of certain spending categories off-budget raises some broader concerns, with implications for discipline and control over federal outlays. Notably, moving some spending categories off-budget would lead to fragmentation of the budgeting process and would detract from the unified budget as an indicator of the government's fiscal operations and hence of the impact of the U.S. budget on credit markets and the economy. Moreover, it could weaken the ability of the Congress to prioritize and control spending effectively.

As the letters from OMB Director Rivlin and former-OMB Director Miller make clear, responsible budgeting requires a comprehensive framework for setting priorities and assessing competing claims on national resources. The unified budget, as commonly presented to include the social security trust funds, combines all fiscal transactions in one place. It thus helps policymakers and the public understand the trade-offs among government programs, and between public and private spending. Moreover, as the focal point of the budget process, it places individual programs on a more comparable footing as they compete for federal funding and thus helps the President and the Congress to resolve competing demands on the nation's resources. Moving programs off-budget raises the risk that resource trade-offs would become obscured and could engender cynicism in financial markets and the public at large about the commitment and ability of the government to control federal spending.

We hope these comments are helpful in your deliberations.

Sincerely,

ALAN GREENSPAN.

HARVARD UNIVERSITY,
Cambridge, MA, October 2, 1995.

The Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you for your letter of September 26 on the treatment of transportation trust funds in the budgetary process. I entirely agree with Alice Rivlin and James Miller that these trust funds should be considered as part of the unified budget. In fact, I cannot see the case for having a separate status for these trust funds nor for a policy of keeping them in balance over time.

Perhaps I may add that the heavy emphasis on gasoline taxes for the financing of highways is misplaced in my view. In many cases, especially for major rural roads, tolls are a more appropriate user fee. I also fail to understand why gasoline taxes could not be raised above the level used for highway construction and related expenditures.

Finally, I have long felt that the federal government plays too large a role in transportation. The primary responsibility should be left with the states.

Yours sincerely,

HENDRIK S. HOUTHAKKER.

BIRMINGHAM-SOUTHERN COLLEGE,
Birmingham, AL, October 16, 1995.

Hon. FRANK WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN WOLF: In my personal opinion, the proposal to move the transportation trust funds off-budget, as provided for in H.R. 842 would not be in the public interest. Here is why I think so.

Every effort should be made to enable interested and informed citizens to readily see and understand the extent and cost of the federal government's involvement in the affairs of the country. The task is already most difficult, if not impossible. Taking this well known and proper function of interstate transportation and removing it from budget totals makes an overall view even more difficult.

Our present practice of contingent credit enhancement by various federal programs has exposed the government to enormous possible future costs with little control of the risks. The recent debacle of the savings and loan industry and the costs of funding the Resolution Trust Corporation is a too vivid example. No one knows where the next such problem may arise. Nor can the Congress or the public measure the benefits of such programs with their possible costs.

Our repeated practice of regulating the use of private resources so as to meet public or even political goals continues to hide or disguise an enormous indirect tax borne by everyone. Moreover we have no way in which to measure either the costs or the benefits of this form of indirect taxation. But we all know the real costs are there.

When one looks at the extent of present obscure and indirect federal involvement, I think we will be better served to keep all possible programs on-budget and highly visible. The present earmarking of highway funds is not a reason to remove them from the unified budget.

Sincerely,

PHILIP C. JACKSON, Jr.,
Adjunct Professor.

HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT,
Cambridge, MA, September 8, 1995.

Congressman FRANK WOLF,
Cannon Office Building,
Washington, DC.

DEAR CONGRESSMAN WOLF: In response to your letter of August 23, 1995 requesting my thoughts about the debate over the fate of transportation trust funds, I offer the following comments:

The Need for a Unified Budget: I tend to agree with analyses offered by OMB, GAO, and former OMB Director James Miller. Sound budgeting principals require a unified budget particularly in an era when deficit reduction is clearly the primary challenge facing the Congress and the executive branch. In this vein, I am particularly struck by GAO's assessment that efforts to take the trust funds off budget are driven primarily by "fear of future budget constraints not actual past restrictions on spending." As Congress and the executive branch make the difficult decisions required to balance the budget, all sources of spending and revenue should be on the table.

Meeting Investment Needs: Moving transportation trust funds off budget might increase short-term spending on transportation. However, it is not at all clear that such spending would be in the national interest. To begin with, there is little credible evidence that the nation is underinvesting in transportation infrastructure. Rather, most available evidence suggests that by picking up the bulk of the cost of many projects, the current system encourages inefficient decision-making at the state and local level and that redesigning current programs would provide more than enough money to meet current needs. (See, for example, work by both Edward Gramlich, Jack Tator, George Peterson, or Clifford Winston).

Encouraging Poor Decisionmaking: If taking transportation trust funds off-budget increases available federal funds, then problems in the current system are likely to worsen. There would, for example, be more demonstration projects. Moreover, moving transportation trust funds off budget could exacerbate tensions between so-called donor and recipient states. While both demonstration projects and funding disparities have some grounding in legitimate questions of public policy and in the logrolling necessary to keep the legislative process moving, difficult fiscal times demand that Congress exercise more, not less, control over such activities.

Recovering All Costs: If, for political reasons, trust funds are moved off-budget, Congress and the executive branch should seriously consider expanding the scope of programs funded by those programs. At minimum this suggests that some transit aid now provided from the general fund ought to be shifted to the Highway Trust Fund's Transit Account. More broadly, many (but not all) economists argue that when all externalities (such as policing, damage from air pollution, and costs created by accidents) are factored in, highway user fees do not cover the full costs created by highway users. This suggests that shifting trust funds off budget might be combined with an expansion of activities funded by those programs.

Seizing the Opportunity: The current budget fights offer policymakers such as yourself a rare opportunity to rethink the fundamental design of all federal programs. Moving the trust funds off budget would merely continue (and likely exacerbate) many well-recognized problems with the current federal-aid system

and make it even harder to accomplish Congress' overarching goal of balancing the budget in seven years. It is, therefore, a step that should not be taken lightly and, if it is taken at all, one that should be linked to key structural reforms.

I hope these comments are useful.

Sincerely,

DAVID LUBEROFF,
Assistant Director.

SHERMAN J. MAISEL ASSOCIATES,
San Francisco, CA, October 20, 1995.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of October 13, 1995, requesting my views on the issue of moving the transportation trust funds off-budget.

I believe that it is important that we retain a unified budget that includes all trust funds. A key concept of the Federal budget is that it measures and reflects the total impact of the Government's receipts and expenditures on the economy.

In the past, the failure to obtain a measure of the Government's total effect on economic activity led to many untoward experiences. This was a key reason for adopting and maintaining the unified budget.

Action now to remove the trust funds and destroy the concept of a unified budget would directly contravene all of the efforts Congress is making through the Reconciliation bill to improve the economic effect of the Government on the economy.

Sincerely,

SHERMAN J. MAISEL,
Former Governor of the
Federal Reserve System.

G. WILLIAM MILLER & Co., INC.,
Washington, DC, October 18, 1995.

Re Transportation Trust Fund.

Hon. FRANK R. WOLF,
House of Representatives,
Cannon Building, Washington, DC.

DEAR FRANK: Many thanks for your letter of October 13 inviting me to express my views on the proposal for moving the transportation trust funds out of the unified budget.

The introduction of the unified budget came about after careful bipartisan study and support. Any decision to depart from or modify the system should be approached with great caution, and an exclusion of any trust fund from the unified budget should be done only if there is overwhelming demonstration that this would better serve the nation's budgetary process. I do not believe a case has been made for excluding the transportation trust funds. From my experience as Secretary of the Treasury and Chairman of the Board of Governors of the Federal Reserve System, I would strongly recommend that you retain the present treatment of the transportation trust funds so that there is no opportunity for losing accountability or setting precedents for further off-balance sheet structures.

You have received persuasive analyses from the General Accounting Office and from present and former heads of OMB. I will not go over the ground again, but do concur in the recommendations you received. I will point out, however, that the two points made by GAO—namely, masking and need for capital budgeting—can be solved in ways other than excluding trust funds from the unified budget. It would certainly be possible to present the unified budget on a fund account

basis, so there would be transparency for all trust funds. It is also feasible to divide the present cash budget into a system of operating expenses and capital expenditures. These changes do not require removing any of the trust funds from the budget.

Your leadership can be very helpful in maintaining a strong system of budget accountability.

Best wishes.

Sincerely,

BILL.

PALO ALTO, CA,
October 1, 1995.

HON. FRANK R. WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: In a letter of September 26, you requested my views on whether the transportation trust fund should remain a part of the unified budget. I agree with Jim Miller and Alice Rivlin that it should.

As most economists would agree, the overall budget allocates the amount of resources diverted from private hands to uses determined by the government; it also establishes the deficit, which subtracts from total savings in the United States and thus means either higher interest rates or the importation of more capital. Whether the transportation budget is officially included in the unified budget changes neither spending nor the deficit. In other words, defining the transportation budget as on or off budget is meaningless unless its status results in more government spending of higher tax receipts and thus in the size of government outlays and in the deficit. The proponents of moving the transportation trust fund off budget hope to be able to justify greater spending on transportation as a consequence. Unless offset elsewhere, this would boost both government spending and increase the size of the deficit.

I understand that proponents of moving the trust fund off budget view the gas tax as a users' fee that pays for transportation infrastructure. Although not an unreasonable argument, it ignores the major issues, the size of government and the budget deficit. It is the Congress's responsibility to determine the size of the government, a matter which should not be subject to the vagaries of the gasoline tax. Congress should also set priorities for the spending of taxpayers' funds, no matter what their source.

A surplus in the trust fund can provide a useful counter to some who would like to boost taxes on the transportation industries, ostensibly for environmental purposes. Since environmentalists often contend that the auto is being subsidized, the surplus in the trust fund helps offset that argument. They sometimes contend that motor vehicles have externalities that imply larger costs for society than are included in the normal outlays on highways. To the extent that this is true, running a surplus in the trust fund may in part counterbalance that externality.

Sincerely yours,

THOMAS GALE MOORE.

BROWN UNIVERSITY,

Providence, RI, September 29, 1995.

Hon. Frank R. Wolf,

Chairman, Subcommittee on Transportation,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am writing in response to your letter of 26 September 1995 inviting my views on whether federal transportation trust funds should be taken off budget.

In analyzing most economic issues relating to the federal budget, economists ignore the distinction between on-budget and off-budget revenues and expenditures. That is, economists work with total revenues and total outlays, often using the definitions in the national income and product accounts. Congressional decisions to remove certain activities from the unified budget will have little or no effect on economists' analysis of fiscal policy issues.

There is much to recommend the practice of financing certain activities that benefit particular individuals and/or firms with taxes and fees on those particular activities. The "user-pays" principle often promotes efficiency and equity; segregated accounts promote matching particular revenues with particular outlays. There is no necessary connection, however, between this principle and the overall accounting for federal outlays and revenues. No matter what the budget concepts, at the end of the day Congress will require an overall accounting to total revenues and total outlays, whether by including everything in "the" budget or by adding together on-budget and off-budget activities.

What the off-budget issue is really about is a policy debate on how to finance a particular activity and how to use revenues raised from a particular source. Taking an activity off-budget reflects a decision to support that activity by the earmarked revenues only, and to raise the earmarked taxes if the outlays on this activity are to rise. Conversely, revenues from the earmarked sources are to be used for the specified activities only, and not for general governmental purposes. An off-budget highway trust fund most definitely should not mean that we will spend on highways without regard to whether the highways are needed or not. What such a fund *should* mean is that revenues above those needed will be returned to the taxpayers through a cut in the gasoline tax.

The on-off budget issue is complicated by the current system of budgetary caps. Congress enacted these caps in an effort to impose more spending discipline on itself, and I believe that the caps have been useful in this regard. If the highway trust fund, or any other activity, is taken off budget to reflect a policy commitment to maintain a segregated accounting of earmarked revenues and particular outlays, then I strongly recommend that the activities nevertheless continue to be subject to the same caps process as before. That is, these activities should continue to be counted as on-budget for purposes of the caps calculations. Any other treatment is an open invitation to remove one item after another from budget discipline; that is sure to be a distracting, confusing, and counterproductive debate at this difficult time of dealing with major (and long overdue) revisions in the federal budget.

Sincerely,

WILLIAM POOLE.

CHESTERTOWN, MD,
September 30, 1995.

Congressman FRANK R. WOLF,
Washington, DC.

DEAR MR. WOLF: Because the result would be to hide the full magnitude of the flows of money into and out of the coffers of the federal government, a result that would seriously handicap the analyst in following what is happening in our economy, I hope that your committee will do all it can to prevent the transportation trust funds from being moved "off-budget." The reasons for keeping these funds "on budget" have been correctly and adequately spelled out in the responses

to your committee by James Miller and Alice Rivlin, and I am glad to associate myself with their views.

Respectfully yours,

RAYMOND J. SAULNIER,
Chf., CEA, 1956-61.

THE BROOKINGS INSTITUTION,
GOVERNMENTAL STUDIES PROGRAM,
Washington, DC, August 25, 1995.

HON. FRANK WOLF,

Chairman, Subcommittee on Transportation,
House Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to proposals that would remove the transportation trust funds from the federal budget. I share the view that the unified budget should be preserved to ensure effective use of the budget as an instrument of fiscal policy and strong spending control.

There is no right time for giving the transportation funds off-budget status, but now would surely be the wrong time. Doing so would undermine Congress's commitment to balance the budget and control federal spending. It would convey the message that the budget can be balanced on paper by excluding expenditures that are given preferred status. It would also convey the message that some programs can go on a spending spree while others are constrained by tight budget rules.

The greatest damage from taking these funds off budget would likely occur if a balanced budget requirement were placed in the Constitution. The balanced budget amendment approved by the House earlier this year provides that in any fiscal year, the outlays of the United States government shall not exceed the receipts of the United States government. It is important to note that this language would cover the receipts and outlays of the federal government, even those that were excluded from the budget. What this means is that once a balanced budget rule is operative, there will be a strong incentive to go a step further and remove transportation spending from the government by creating new entities such as government-sponsored enterprises or public authorities. If this were to occur, congressional and presidential control of trust funds would be greatly weakened.

The argument for off-budget transportation trust funds is often made in terms of the need to upgrade the nation's infrastructure. I am not convinced that the United States has seriously underinvested in transportation, but I do believe that the appropriate means of addressing this problem would be a capital budget rather than off-budget of off-government status. A capital budget would preserve the unified budget while providing better information on the condition of roads, airports, and other transportation assets.

Please call me if you want to discuss this matter further.

Sincerely,

ALLEN SCHICK,
Visiting Fellow.

AMERICAN ENTERPRISE INSTITUTE
FOR PUBLIC POLICY RESEARCH,
Washington, DC, September 26, 1995.

HON. FRANK R. WOLF,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: I am replying to your letter of September 12, 1995 about the transportation trust fund. I would not favor moving the trust funds off the budget. We want to have a comprehensive measure of

the Federal government's fiscal activities. Keeping the transportation trust fund in the budget does not preclude any rules you may want to adopt about requiring that all receipts of the trust fund be spent for transportation, in every single year or over any specified number of years.

Sincerely yours,

HERBERT STEIN.

JAMES D. WOLFENSOHN, INC.,
New York, NY, October 18, 1995.

HON. FRANK WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, U.S. House of
Representatives, Washington, DC.

DEAR FRANK: I am responding to your letter of October 13 asking for my view on the budgetary treatment of Federal transportation trust funds. I am glad to respond briefly to a question that has been reviewed frequently over the years and to which a succession of Administrations and most Congresses have, explicitly or implicitly, taken a consistent position.

At the start, I should point out that while your inquiry is specifically about transportation trust funds, a distinction between those funds and others would be difficult to sustain. That is one important consideration in my conclusion that the current treatment of including the transportation trust funds in the unified budget remains appropriate.

Obviously, conflicting considerations arise in determining appropriate budgetary treatment for trust funds. On the one hand, the decision to establish a trust fund may reflect a considered decision at a point in time to maintain designated spending in an amount related to specific revenues. Arguably, the designated spending may have particular attributes—for "investment" or for "social purposes"—that Congress may wish protected from cyclical or other budgetary exigencies. Moreover, an argument can be made that building up surpluses in the trust accounts, with the surpluses invested in government securities, tends to shield other spending from appropriate budgetary discipline. That is, of course, a consideration with respect to the large social security trust funds.

On the other hand, principles of administration and budgeting demand regular review and control of the full range of Government spending, balancing one priority against another. At the same time, effective fiscal policy forces consideration of the totality of spending in relation to revenues.

These latter considerations strike me as persuasive in reaching my conclusion that the present practice of including the transportation trust funds in the unified budget should be continued. I am reinforced in that conclusion by the fact that nothing in the unified budget prevents the Congress and the Administration from reaching a decision to maintain highway spending (or any other spending) at a particular level it deems a priority matter. Trust fund accounting within the unified budget may in some instances be helpful in reaching that decision.

To repeat I conclude that the Congress should maintain the present unified budget treatment, as both present and former Budget Directors have urged in writing you.

Sincerely,

PAUL A. VOLCKER,
Chairman.

JAMES D. WOLFENSOHN, INC.,
New York, NY, February 1, 1996.

HON. FRANK R. WOLF,
Congress of the United States, House of Representatives, Washington, DC.

DEAR FRANK: I have reread my letter of October 18 on the transportation trust fund issue and really have no further thoughts. I realize moving some or all of the trust funds (particularly social security) off budget might well lend even further force to the urgency of our budgetary problem. That is a powerful argument right now, but I think longer run considerations of effective budgeting and of consistency over time should prevail.

I appreciate your interest.

Sincerely,

PAUL A. VOLCKER,
Chairman.

UNIVERSITY OF CALIFORNIA,
Los Angeles, CA, September 4, 1995.

HON. FRANK R. WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. WOLF: I am responding to your letter of August 23rd, in which you were kind enough to solicit my views on the question of whether or not the transportation trust fund should be moved "off budget." I have reviewed the materials included with your letter, and had already given a great deal of thought to this important question.

I believe that the highway trust fund should remain part of the unified budget. I support the maintenance of a separate trust fund into which highway user fees are deposited, and from which major highway related expenses of the federal government are paid. Maintenance of the integrity of the trust fund surely does not, however, require that it be taken "off budget." Full accounting of federal income and expenditures can be maintained by showing the trust fund as a separate account within the larger federal budget.

I oppose the use of trust fund revenues to "mask" a general fund deficit. We have enormous transportation needs in the United States, and it would be unfortunate if earmarked transportation funds were held unspent in the trust fund just to create the appearance that the federal deficit is thereby being reduced. This problem can also be addressed by properly accounting for the trust fund as a separate category within the unified budget, however, and does not require that the trust fund be removed from the unified budget.

From the materials which you forwarded to me, it would appear that my position is essentially identical to that taken by the Office of Management and Budget and the General Accounting Office. I encourage you to take a strong position of leadership on this important matter. The highway trust fund should both be kept "on budget" and should be protected from efforts to use it to "mask" the federal deficit.

Sincerely,

MARTIN WACHS,
Director, Institute of Transportation Studies.

CENTER FOR THE STUDY
OF AMERICAN BUSINESS,
St. Louis, MO, October 5, 1995.

HON. FRANK P. WOLF,
U.S. Congress,
Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of September 26, 1995, with regard to the transportation trust funds. I believe

they should stay in the budget so that the budget review process remains comprehensive and an effective way for Congress to exercise the power of the purse.

This was the position that, as an adviser, I urged the Commission on Budget Concepts to adopt several decades ago in developing the concept of the unified budget. The transportation taxes are revenues of the federal government; the transportation outlays are expenditures of the federal government. This is the basic justification for putting these funds into the federal budget.

The alternative—to keep them separate from the budget—shields these programs from being reviewed in the context of national priorities. That would be bad budgeting.

Best wishes.
Sincerely,

MURRAY WEIDENBAUM,
Chairman.

THE BROOKINGS INSTITUTION,
Washington, DC, August 25, 1995.

CONGRESSMAN FRANK WOLF,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am responding to your letter of August 23, 1995 soliciting my views on the appropriateness of moving transportation trust funds off-budget. I should first tell you that I am not an expert on the budget process or the federal transportation budget. My field of specialization is transportation economics and my thoughts about your inquiry reflect that perspective.

That said, I think the issue you are concerned with is secondary to the important question to be asked about transportation spending. The important question is whether federal transportation spending is efficient? Based on the available evidence the answer appears to be no! Auto pricing ignores congestion, bus and rail prices are too low (below marginal cost), bus and rail service is inefficient and load factors are too low, bus and rail operations are inefficient, and so on. These problems are not the result of whether trust funds are on-budget. They are the result of poor transportation management at all levels of government. Prices must reflect marginal costs, service must reflect cost-benefit tradeoffs, and inefficiencies must be purged from operations. In this environment, there would be no need for trust funds. Indeed, the issue of whether a transportation system makes money would be irrelevant because its viability would be justified on social welfare considerations.

Current policy, which relies on the gas tax and trust funds, invites political debate instead of thwarting it. In short, my advice is to change your perspective on transportation spending by focussing on how to make it more efficient. The budgetary issue is largely irrelevant to that goal.

Sincerely,

CLIFFORD WINSTON,
Senior Fellow.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

We have heard some interesting theater and dramatics, but the fact is that taking trust funds off-budget will not cause one dime of cuts in other discretionary programs. It only means that in the future, additional cuts in trust fund programs do not count toward spending targets such as discretionary caps or 602(b) allocations. Let us get down to reality and fact and talk reasonably.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. I thank the gentleman from Minnesota for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 842, the Truth-in-Budgeting Act, to take the four transportation trust funds off budget.

This bill is really quite simple. If you support jobs, investment, and keeping faith with the American people, then you support H.R. 842. That's all there is to it.

Every day, Americans who fly or drive contribute through user fees to the transportation trust funds. They do so in order to finance the public infrastructure which they utilize as they travel. If they don't drive, they aren't asked to contribute to road projects. If they don't fly, we don't expect them to finance air traffic control operations or airport improvements. The systems are designed to be user financed—those who use them pay for them.

But unless the trust funds are off-budget, the American people who pay for infrastructure investment aren't getting all they pay for. The balances in the four trust funds continue to grow, while infrastructure needs across this Nation go unmet.

I support infrastructure investment in the United States because it spurs economic growth and creates good jobs. The fact is that transportation represents 17 percent of the American economy. Since 1950, one-fourth of America's improvement in productivity is due to transportation investment.

But for me, the most important issue is jobs. Every \$1 billion spent on infrastructure creates 42,000 good high-wage jobs. That's why the Laborers International Union of North America supports this legislation, and why you should too.

Mr. Chairman, as the ranking Democratic member of the Subcommittee on Aviation, I see every day the impact of our underfunded air traffic control system. There are reports almost every week of an outage of some kind at an air traffic control facility in this country. The equipment is old and needs to be replaced.

The FAA predicts that U.S. domestic passenger enplanements will grow from 530 million in 1995 to nearly 800 million in 2005. We are constantly looking to find the funds to meet tomorrow's needs. The best place to start is with the balance sitting in the aviation trust fund.

Mr. Chairman, this afternoon's vote is about keeping faith with the American people. The American people pay their gas tax and ticket tax to finance investment in our critical infrastructure. That's what the trust funds are meant to be used for.

Mr. Chairman, I urge every Member of this body to support H.R. 842 and

keep faith with the people who sent us here.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, to kind of cut through the heavy air here today, where we have had some pretty high drama and a great sense of emotion, let me say from the freshmen perspective that 44 out of 74 of the freshman Republicans, I would argue the most ardent budget balancers to come here in a long time, have signed on in support of taking the transportation trust funds off-budget. You can in fact balance the Federal budget and return these user fees to the people who paid them. We see it as a matter of principle, and the principle is to the Federal Government: Don't take the money from users if you don't need it, if you don't need to spend it. Don't take it. Don't store up these trust funds and not put the money back for the use and from the people that you took it. That is the matter of principle. We would like to kind of draw a line in the sand on this issue and this is an important issue and it puts and invests the money back into our economy which we desperately need. These are user fees from roads, airports, harbors. Put them back to use. Support H.R. 842.

□ 1230

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would simply note that the gentleman from Ohio, JOHN KASICH, the Republican chairman of the Committee on the Budget, the gentleman from Minnesota, MARTIN SABO, the Democratic ranking member of the Committee on the Budget, the gentleman from Louisiana, BOB LIVINGSTON, the Republican chairman of the Committee on Appropriations, and yours truly, the ranking Democrat on the Committee on Appropriations, are all strongly asking that you vote against this proposition.

Now, there is, I suppose, a high probability that even though all four of us agree, we are wrong, but I would respectfully suggest that if anyone is truly interested in achieving a balanced budget, over any time frame, whether it is 7 years, 5 years, you name it, that there is no way that you can in conscience vote for this bill.

Let me simply explain what I mean. Right now both parties have told the country that we are willing to balance the budget over a 7-year time frame. Yet what we are now being asked to do is to say to one huge segment of the budget—namely, the transportation portion of the budget—“Well, fellows, we are going to set you aside. Not only are you going to have a dedicated revenue source, but in addition to that spe-

cial status, we are going to give you the ability to spend unlimited amounts of money, irrespective of the squeeze on any other portion of the budget.”

The gentleman from Virginia [Mr. WOLF] is exactly right. What you are talking about if this bill passes is the requirement that you cut other portions of the budget over 7 years by an additional \$50 billion, or else recognize that the deficit is going to increase by \$50 billion. That is the hard-nosed fiscal reality.

Now, I take a back seat to no one, to no one, in my support for highway construction. Since my days in the legislature and through my days here, I have consistently and strongly supported adequate funding for highways. I have supported providing the funding to pay for that highway construction as well, in my own State legislature as well as here. I have fought to see to it that my own State ends its long-term status as a donor State.

In 1992, I led a successful fight in this House to break the defense “firewalls” in order to fully fund ISTEA with off-sets from the military budget. I make no apology for that. I think that was the right thing to do for the country.

But I do not support saying that transportation must be considered sacrosanct while that requires further reductions in education, further reductions in mental health and veterans programs, further reductions in environmental protection enforcement, further reductions in job training, and do not kid yourself, that is exactly what this proposition requires.

Now, it is technically true that this bill in and of itself does not do that. But when you plug this bill into the context of existing law and into the context of the promise of both parties to provide a balanced budget over 7 years, then you are fooling somebody or you are smoking something that is not legal if you are telling people that this bill is not going to result in a squeeze on other high priority programs.

What we are really talking about is whether or not we are going to give one committee the ability to write a blank check for programs under their jurisdiction, regardless of the impact on any other committee and regardless of the impact on any other program or any other population group in this country. That is morally wrong, it is fiscally wrong, it is economically wrong, it is procedurally wrong, and you ought not to do it.

I would urge you not to speak out of both sides of your mouth. I would urge you to never again come to this floor and say that you are voting for a balanced budget and say that you are for fiscal responsibility and austerity, if in the next breath you are voting to allow the transportation budget to go off budget and to spend at any rate they want, regardless of the impact on other programs.

It is a question here of what you regard as your top priority. I do not regard that as my top priority. I think we need a balanced approach to spending and this bill does not give it to us.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I rise in opposition to the bill.

I rise to join my colleagues in opposing H.R. 842. While I commend the bill's proponents for trying to address the Nation's infrastructure needs, I do not believe that this bill will accomplish that objective.

I have listened to many voices on this issue and the ones who have rung among the clearest have been national leaders such as Warren Rudman who has said that, "Designating transportation trust funds as off-budget would further erode the integrity of the budget as a tool for fiscal accountability."

Former OMB Director Jim Miller says, "Off-budget status would * * * hide a major portion of federal spending from annual budget scrutiny."

Former Federal Reserve Chairman Paul Volcker says, " * * * principles of administration and budgeting demand regular review and control of the full range of Government spending, balancing one priority against another. At the same time, effective fiscal policy forces consideration of the totality of spending in relation to revenues."

Perhaps the voice that rings the clearest for me is that of the Ohio Department of Transportation that has been at the forefront of studying the current system of transportation funding and making recommendations for change. ODOT has concluded that it is not necessary to take the trust funds off budget in order to return more money to the States.

The Ohio plan recognizes that since 1976 expenditures from the trust fund have exceeded revenues and that the balance in the fund resulted from interfund borrowing. The Ohio plan proposes that a major portion of fuel taxes each State pays into the trust fund be turned back to that State, including the fuel taxes now going toward deficit reduction.

I urge my colleagues to take a closer look at the Ohio plan and that we use its concepts as a basis for devising a new system for highway funding—a system reached by consensus between authorizers, appropriators, and the Budget Committee.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I would like to rise in support of this legislation, but I cannot. I cannot, notwithstanding its surface appeal. We would all agree that trust funds ought to be used for a trust purpose. But that is not the debate that is before us today. The debate that is before us has to begin with where we are, and where we are is that we have not managed these funds in the fashion we told the American people we would. In point of fact, we said we would not use general fund monies for this purpose, and we have, and this is not a debate about misuse of trust funds.

The chart I have put up makes this case fairly clear. Since 1980, total spending for highways from the trust fund we have brought in \$214 billion, we have interest of \$21 billion, we have spent a total of \$235 billion. But we have added in general funds funding \$63 billion on top of the trust fund spending of \$228 billion, so we have spent a total of \$291 billion.

The point is, for those Americans out there paying revenue taxes, gas taxes, other types of taxes, into these funds, please understand, this is not a debate about the misuse of those funds. We have used more than we have promised. But it is a debate about the budget control. If we enact this legislation, it will make it almost impossible to balance the Federal budget. That has to be our first priority. I urge a "no" vote.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, when American motorists purchase gasoline or travelers purchase airline tickets and pay the Federal tax, they expect that the revenue collected by the Federal Government will go toward transportation system upgrades.

After all, that was the agreement the Federal Government had with the American people when the gasoline, aviation, and other transportation taxes were implemented.

For example, motorists paid into the highway trust fund with the expectation that they would receive highway improvements.

However, the transportation trust funds were merged into the general budget as part of an effort to hide the true costs of the Vietnam war.

It is precisely this sort of broken contract between the Government and the American citizenry that has led so many people to become understandably cynical about their Government and its leaders.

It is our duty to make certain that the moneys collected through the gasoline and other transportation taxes are used for the intended purposes.

The Truth in Budgeting Act, before Congress today will help us meet that obligation. Simply put, it is a tax fairness bill designed to ensure that transportation taxes go to pay for transportation improvements.

Currently, there is in excess of \$30 billion in unspent balances in these trust funds, and under the administration's budget these balances could grow to \$77 billion by 2002. That is money that should be used for such projects as repairing roads, building bridges, and improving air transportation systems.

The use of these funds in this way improves not only our transportation system, but would provide literally hundreds of thousands of well-paying jobs—a true win-win situation.

Ladies and gentlemen, this "Truth in Budgeting" bill is about restoring the

public trust. My dictionary defines trust as "the confident reliance on the integrity, honesty, veracity of another." The "confidence, or obligation reposed in a person that he will fully apply the property according to such confidence."

I believe it is time—indeed past time—that we put trust back in the trust funds.

I would urge my colleagues to support this legislation.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, this debate is a classic congressional debate. I think there is rhetorical overkill on both sides. The future of Western Civilization does not hang in the balance depending on the outcome of this vote. I do not have any great statement to quote, but let me quote one of my favorite entertainers, Woody Allen, who once said in an address to graduates, "We are at the crossroads. One road leads to hopelessness and despair; the other to total extinction."

Let us pray that we have the wisdom to choose wisely. We are not faced with that predicament. Here is what we are faced with, plain and simple: We impose taxes on the American people, excise taxes, dedicated taxes. We say, for example, to the airline traveler, we are going to tax your airline ticket purchase and we are going to use the funds we raise to improve the airports, to improve aviation safety.

I think that is a pretty good contract. I think we ought to use the money for the intended purpose. And if we do not, we ought to cut the tax out.

But let us not kid the people. Let us be honest with them. Let us use the money for the intended purpose or cut the tax.

As the chairman of the Water Resources and Environment Subcommittee, I have witnessed firsthand the growing abuse of the Harbor Maintenance Trust Fund and the Inland Waterways Trust Fund. The Harbor Maintenance Trust Fund now has a balance in excess of \$650 million and the Inland Waterways Trust Fund has over \$300 million sitting dormant.

Hundreds of millions of dollars have been collected from shippers to improve the quality of America's ports and we should be using these revenues for their intended purposes. If you care about our Nation's global competitiveness, if you care about improving the environmental quality and safety of America's harbors and rivers you should support the Truth in Budgeting Act.

In many of America's leading ports we have an astounding backlog of dredging and environmental projects that are not being done while we sit on over \$1 billion in trust fund revenues. A study of the transportation infrastructure needs on our major rivers has identified over \$3 billion in needs by the year 2000. If you represent constituents along the Missouri, Mississippi, Hudson, Ohio, or Tennessee Rivers you should support the Truth in Budgeting Act.

Freeing these trust funds for their intended uses sends a powerful message to the American people—we are setting aside the “smoke and mirrors”, and we are serious about using their hard-earned tax dollars to improve the safety of our waterways and the efficiency of our navigation infrastructure.

These trust funds are built on taxes intended to improve the economic and environmental quality of our Nation's rivers and harbors and it is time we use these trust funds for these uses.

Support the Truth in Budgeting Act—the truth will set you free.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, the issue before us today is one of the perennial budget questions of our time—whether to unravel the unified budget methods that have worked well since the 1960s and consider the Transportation Trust Funds off budget. Like my Appropriations Committee colleagues speaking before me, I believe moving the Transportation Trust Funds off budget would result in an irresponsible budgeting process that would jeopardize many of our most cherished programs, including Medicare, Medicaid, education, and environmental protection programs. So, I am here to urge my colleagues to vote against H.R. 842.

Let me state from the outset that as the ranking minority member of the Appropriations Subcommittee on Transportation, I am a strong supporter of maintaining and enhancing the Transportation Trust Funds. I believe our Nation must continue to invest an appropriate amount into transportation infrastructure projects in order to keep our economy strong and growing and prosperous. The Transportation Trust Funds are the primary vehicles which enable us to fulfill this responsibility, so we must act to keep them in good working order.

However, I am convinced that moving the Trust Funds off budget would cause much more harm than good. While I can easily understand and sympathize with the desire to invest more money into transportation projects, I believe moving the Transportation Trust Funds off budget would greatly confuse the budgeting process; create enormous pressures to either cut non-trust-fund programs further, increase spending on trust-fund programs more, or raise taxes; and that it will set a number dangerous of precedents. Allow me to detail a few of these problems for you.

First, the unified budgeting method is critical for assisting the Congress and the President in deciding how to treat all revenues and expenditures in a coherent manner. It is essential to bring together all Federal income and expenses in a unified way to avoid the problem of considering some programs in a vacuum. It is important to recognize that any Federal activity affects

our Nation's economy as a whole. Clearly, the Transportation Trust Funds qualify as affecting our economy significantly. And because of their large economic impact, considering them separately from other accounts which affects economic activity would complicate and distort Federal economic considerations. In my mind it is far better to have all components of our economic strategy in plain view and as part of a unified whole in order to make decisions easier and more coherent, and to provide flexibility to the Congress.

Second, moving the trust funds off budget would needlessly further complicate and confuse the budget process. Considering transportation programs apart from all of the rest of the budget would mean adding another dimension to the process. Congress should not do this. Instead, we should avoid creating additional complications and restrictions on the legislative branch. In this way, we can fulfill our basic duty to at least do no further harm when crafting a budget.

Third, moving the trust funds off budget would lead to demands to move all other trust funds off budget—and perhaps rightly so. We should not fool ourselves into believing that this would not happen; we have plenty of legislative history to know it would. If the Transportation Trust Funds were taken off budget, it would be difficult to justify not doing the same with every other trust fund. We would be asked the following legitimate questions: Why are the transportation trust funds special? Why don't all other trust funds get the same preferential treatment? These questions can't be answered fairly without either placing Congress in the predicament of having to pick winners and losers among trust fund programs, or being forced to move all trust funds off budget with all of the severe headaches that would create for us.

Fourth, if, for reasons of fairness, all trust funds were moved off budget, I predict there would be greatly increased pressure to spend more money. In addition to using currently available surpluses for existing programs, I have no doubt many interests would create new needs for additional spending of trust fund surpluses, whether those needs were really as pressing as might be the case in other functions of our Government. I can also foresee pressure by interest groups to create more trust funds for favorite programs which currently don't have their own separate funding sources in order to insulate them from further budget cuts. In these times of fiscal austerity, it makes no sense to increase spending pressures and make the deficit larger.

Fifth, I am not convinced that moving the Transportation Trust Funds off budget would result in more expenditures for transportation projects. It

seems fair and accurate to say that the interest payments from the Treasury to the trust funds have helped to increase the amount of surplus. While it can be argued that the interest payments are only fair returns for borrowing against the trust funds, they have also enabled greater spending from the trust funds than would have been possible without borrowing and then repaying with interest. So, moving the trust funds off budget and foregoing future interest payments may not really enhance transportation expenditures.

Sixth, removing the trust funds from the unified budget would result in decreased funding for transportation projects that receive their funding from general revenues. Not using the surpluses in the Transportation Trust Funds to calculate the amount of overall available funds means that spending levels for other programs have to be cut. In the case of transportation projects, we would be pitting some types of transportation needs against others. If we are truly concerned about building a solid transportation infrastructure, why would we want to play favorites and possibly secure the funding for some types of projects and not others?

We should also keep in mind that the unified budget does not prevent Congress from spending more on transportation projects if it chooses to do so. The Congress has all the authority it needs to authorize and appropriate more funds for transportation projects or other national priorities any time it wants. The only requirements for spending more are to be convinced of a genuine need and then to follow through with the appropriate legislation.

Finally, let me say that the experience of my home State of Texas shows that moving transportation funds off budget doesn't insulate that money from use for other purposes. Even though article 8, section 7(a) of the Texas State constitution clearly and specifically states that all State taxes on motor fuels collected to finance transportation projects must be spent on transportation projects, money from the off budget transportation funds have been used for other programs. For example, transportation fund money has been used to purchase land to build prisons. Now, the transportation department holds the title to this land, so in theory it is still a transportation department asset. But, the actual use of the land to build a prison has little to do with fulfilling transportation needs. Similarly, the supposedly protected State transportation fund has been used to finance the construction and maintenance of parking lots for State mental health agency facilities. In my mind, neither of these examples fulfill transportation needs in the State of Texas.

Perhaps the most significant breach of security for the off budget Texas

transportation fund took place during the 1980's. The State's general revenue fund was running low, so an arrangement was made to borrow \$280 million from the transportation fund. The pay-back provision of the agreement included the payment of interest, but because of the State's ability to repay the loan quicker than originally anticipated, no interest was actually paid to the transportation fund for the time its money was used. So much for a secure off-budget transportation fund.

In summary, Mr. Chairman, while I am a strong believer in the need to fund transportation projects to the greatest extent possible, moving the Transportation Trust Funds off-budget would unravel the unified budget process and make it more difficult to make proper decisions on economic matters. It would also needlessly further complicate the budget process, lead to demands to move other trust funds off-budget which would increase spending at the time we are trying to balance the budget, and probably not increase funding of transportation projects overall. And, as I have described to the House, the experience of my home State of Texas strongly suggests that moving trust funds off-budget doesn't really make them more secure. For all of these many reasons I urge the House not to endorse H.R. 842 by voting against this well-intended, but misguided legislation.

□ 1245

Mr. KOLBE. Mr. Chairman, I yield 4 minutes and 30 seconds to the gentleman from Louisiana [Mr. LIVINGSTON], the very distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend from Arizona for yielding time to me.

Mr. Chairman, we have to fully appreciate what we are about today. The fact is that we will never eliminate the deficit if we give some programs exalted, protective status in the budget process requiring those less fortunate to shoulder heavier cuts than they currently do and making them compete with one another while those exalted programs simply are beyond reach. But that is what we will do.

We are effectively going to take \$30 billion a year out of the nondefense discretionary pot and just put it beyond reach. Some would say, well, it goes into a trust fund; it is off budget. It is not off budget. It goes into that amorphous great big blue section on this chart that I have used before. It is a pie chart of the 1996 Federal budget. It becomes part of the uncontrollable portion of the pie, entitlements, which are in blue, plus interest on the debt.

Two-thirds of the budget is uncontrollable. One-third of the budget is discretionary. Half of that is defense, the other half is the nondefense cost of running Government. We are going to

take \$30 billion out of that nondefense discretionary budget and add it into the blue section or out in the atmosphere where we will help all those wonderful contractors who want to build roads. We will make everybody else compete for their hard-earned dollars or the dollars that the American taxpayers throw at them. In doing so there will be less opportunity for other well-meaning programs, be they health programs, education programs, or the like, to be funded.

In fact, before the Committee on the Budget, Federal budget expert Allen Schick testified the general fund would be the residual fund for weak claimants who do not have sufficient clout to get earmarked revenue, their own trust funds, off budget protection, and exemption from budget enforcement rules and other controls. He says, if there is any truth in budgeting, it is that all spending must compete for scarce resources; not that there are protected enclaves and double standards.

But we will make a protected enclave of Federal highway spending. Backdoor spending in entitlements have already reduced the domestic discretionary share of the Federal budget, and those are my words, not Mr. Schick's, reduced the domestic discretionary share of the Federal budget to just 17 percent next year.

Now we are talking about gutting what is left, taking 12 percent of that, some \$30 billion in outlays, money that will be spent immediately year after year, and declaring it off budget for the purposes of deficit reduction.

I just hope that every fiscally conservative Member of the body, including those who signed on to the off budget bill before knowing its effect on spending, fully appreciates what is happening and will examine what the CBO and the GAO and others say about the effects. It is devastating.

We are significantly trimming, trimming the nondefense discretionary budget, so much so that for the first time in modern history, instead of going up year after year after year in nondefense expenditures, we are going down year after year. This Congress, since January 1, 1995, has had tremendous effect on reversing the ever-increasing growth of nondefense spending. But this bill comes along and wants to take \$30 billion out of what is left in nondefense discretionary and spend it on highways.

And, yes, we have seen those ads, radio, television, newspapers, the pro-special interest lobbyists, and they are all related to dealing with highways and airports and such things. Oh, they have a lot of them. They are all for it because it is money in their pocket. It is free money. But notice who is against it. The Committee on the Budget, the Committee on Ways and Means, the Committee on Appropria-

tions, the Office of Management and Budget, the Citizens for a Sound Economy, the Concord Coalition, the Heritage Foundation, the National Taxpayers Union, the Taxpayers For Common Sense, the Citizens Against Government Waste, the Committee for a Responsible Federal Budget, Alan Greenspan, Federal Reserve Board. Those are the people whose job it is to look at whether or not we are actually meaning what we say when we are trying to cut the Federal budget, cut spending, and stop the pork barrel.

But here we are, despite all the rhetoric, right back at the pork barrel. I urge Members who are serious about what we have been saying for the last couple of years to vote against this measure. It is wrongheaded. It is the wrong thing to do.

Mr. Chairman, despite all the rhetoric, Members should see this bill for what it really is, a plain, old-fashioned power grab instigated by one committee of this body.

Members of the Transportation and Infrastructure Committee, and before them the Public Works Committee, stand united in pushing off budget, and with them stand the highway and airport construction lobbyists and State highway agencies. Against this formidable group always stands the Budget and Appropriations Committees.

We will never eliminate the deficit if we give some programs an exalted, protected status in the budget process, requiring those less fortunate to shoulder heavier cuts year after year.

If we start splitting up the Federal budget into off-budget fiefdoms that are outside the appropriations process, we are setting a terrible precedent. In testimony before the Budget Committee, Federal budget expert Allen Schick said that if trust funds started to go off-budget, "the general fund would be the residual funds for weak claimants who do not have sufficient clout to get earmarked revenue, their own trust funds, off budget protection, and exemption from budget enforcement rules and other controls."

He went on to say "If there is any truth in budgeting, it is that all spending must compete for scarce resources—not that there are protected enclaves and double standards."

Mr. Chairman, backdoor spending and entitlements have already reduced the domestic discretionary share of the Federal budget to just 17 percent next year. Now we're talking about gutting what's left, by taking 12 percent of the remainder and declaring it off budget for the purposes of deficit reduction. I hope every fiscally conservative Member of this body, including those who signed onto the off-budget bill before knowing its effect on spending, will look carefully at what CBO, GAO and others say about its effects.

If this bill becomes law:

Aviation safety would be undermined, according to the Secretary of Transportation;

Other domestic and defense programs would suffer up to \$50 billion in additional cuts, according to OMB; and

Other trust funds will surely seek similar protection from future budget reductions, and we won't have a leg to stand on.

If this body were now to pass off budget, it would tell the American people we are willing

to hide some expenditures from the budget; that we are willing to suffer further reductions in defense and social programs in order to provide continuous, permanent increases for highways, mass transit systems, and airport construction programs. This is not a fair and balanced budget plan, Mr. Chairman.

We weren't sent here to engage in budget shell games. We were put in control to eliminate our crippling deficit—a goal this very bad bill would make much harder. This bill is wrong because it would increase spending at just the wrong time in our Nation's history; it fundamentally alters the balance of power among committees of this Congress; and it panders to the special interests and lobbyists.

Finally, if you vote "aye," don't talk to me about the need to cut the budget. I strongly urge Members to vote "no" on final passage.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I rise in strong support of this important legislation to take the transportation trust funds off-budget. Historically, investment in transportation infrastructure has helped countries achieve and maintain world power status. Similarly, it has been our own commitment to infrastructure investment has been responsible for creating the most advanced and efficient economy in the history of the world.

In the past, it was this financial commitment to America's infrastructure that completed the transcontinental railroad, built the Interstate Highway System, and created world class airports and harbors. However, we all know that funding for future projects is increasingly difficult to secure today. And as a result, our ability to maintain, improve and build highways, roads, harbors, railways and airports is severely hampered—and commerce, transportation and recreation are all adversely restricted. We cannot continue this neglect and we must provide an opportunity to guarantee a sound financial future to both maintain and develop America's infrastructure needs.

Pumping gas and paying the Federal gas tax of 18.3 cents per gallon is probably the most common link the average American has with the Federal Government on a daily basis. Most of the money from this tax flows into the highway trust fund and has helped finance such San Diego highways as Interstates 8 and 15.

My own district has several infrastructure projects that are of national significance and need funding. Re-establishment of the San Diego & Arizona Eastern Railroad—the "Jobs Train"—and completion of State Route 905 and Interstate 15 would all facilitate the increase of international trade expected from our Nation's new Federal trade policy. Yet because transportation trust funds are not being spent for their intended use, these nationally important projects must compete for

fewer available dollars and are viewed as pork for my congressional district. Transportation funding choices should not be between projects that mitigate congestion and pollution, increase safety or implement trade policy—these are all worthy projects.

We must release the trust fund surpluses from their budget bondage and stop this Federal game of Mask the Deficit. The existence of these surpluses only reinforces the public's belief that they are not getting an honest return for the taxes they pay to Washington.

This issue is not only about tax fairness, it's also about jobs and about economic productivity. Since the 1950's, as much as 25 percent of America's productivity growth can be credited to improvements in our transportation infrastructure. Recent Department of Transportation studies show that every \$1 billion invested in highway construction and enhancements yields 42,000 high-wage jobs. Similarly, work to complete SR 905 and I-15 in San Diego and to re-establish the Jobs Train would create thousands of jobs.

The more that infrastructure spending is curtailed, the higher the yearly trust funds surplus grows. The higher that surplus goes, the more it offsets deficit spending in other general fund programs. It's a \$31 billion bonanza, and it's a fraud!

For me, the Truth in Budgeting Act is about keeping faith with my constituents in San Diego—people who pay into these funds and expect their tax dollars to be spent on building and maintaining the world's premier transportation system. The people of America—and the people of San Diego—deserve to see their transportation dollars at work building and maintaining highways, railroads, airports, and harbors.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I was a civil engineer prior to becoming a Congressman. I understand how important the transportation system is to our economy. I know that without a strong transportation system we cannot sustain a prosperous economy. That is why our Congress approved a gas tax over 40 years ago. The idea was simple: Collect a gas tax and spend that money to build and maintain our infrastructure.

The system worked fine in the past because all the money went to transportation projects. But now what happens? Highway projects get 12 cents out of 18½ cents of the Federal gas tax; the rest goes to social programs. It has been gutted. The highway trust fund money has been gutted all this time.

We need this infrastructure badly, I will tell the Members. Remember, these are not taxes, these are user fees.

These are not taxes. The money should not be spent on social programs, it should be spent on the highway system. That is why our bridges are in bad shape. Twenty-five percent of our bridges are in bad shape and are not safe. No wonder why.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise in my capacity as the ranking Democratic member on the Surface Transportation Subcommittee to give my colleagues 6.8 billion reasons why they should vote for H.R. 842, the Truth in Budgeting Act.

This, 6.8 billion, my colleagues, is the amount of highway and transit money the States have been shortchanged over the life of ISTEA to date.

The following chart shows these losses by State, 1992–96:

HIGHWAY FUNDING LOST BY STATE, 1992–96

States	FY92–96 difference
Alabama	\$114,340,767
Alaska	89,763,732
Arizona	88,638,840
Arkansas	71,238,983
California	610,578,554
Colorado	86,443,852
Connecticut	143,579,955
Delaware	30,171,803
District of Columbia	39,333,139
Florida	241,309,719
Georgia	182,211,005
Hawaii	53,676,740
Idaho	48,737,851
Illinois	255,571,470
Indiana	135,427,278
Iowa	87,340,504
Kansas	83,069,151
Kentucky	100,474,056
Louisiana	106,457,783
Maine	36,512,958
Maryland	119,912,708
Massachusetts	387,512,184
Michigan	180,464,385
Minnesota	104,962,453
Mississippi	77,345,390
Missouri	147,406,231
Montana	69,282,108
Nebraska	59,194,272
Nevada	43,941,993
New Hampshire	35,149,613
New Jersey	208,863,217
New Mexico	76,499,357
New York	389,884,664
North Carolina	166,409,550
North Dakota	44,939,034
Ohio	242,935,031
Oklahoma	92,883,484
Oregon	85,194,850
Pennsylvania	312,864,880
Rhode Island	43,667,425
South Carolina	85,828,138
South Dakota	49,538,589
Tennessee	139,565,180
Texas	431,378,542
Utah	54,759,515
Vermont	32,204,791
Virginia	145,108,424
Washington	133,368,435
West Virginia	68,087,322
Wisconsin	123,104,240
Wyoming	47,996,810
Puerto Rico	33,650,675
Territories	2,184,372
Total	6,840,886,002

Source: U.S. Department of Transportation, Federal Highway Administration.

This is the amount of spending out of the highway trust fund, authorized to be obligated for needed highway and transit projects across the Nation, that has not been spent due to arbitrary obligation limitations placed on the trust fund in the annual appropriations bills.

Now, this is not to say that the highway trust fund could not have sustained an additional expenditure of \$6.8 billion.

No, indeed.

There is an estimated balance of nearly \$21 billion in the highway trust fund—\$11 billion in the highway account and \$10 billion in the transit account.

And let us be clear: This money is not general revenue. It is comprised of the Federal tax on motor fuels, paid for by highway users, and dedicated for transportation improvements.

Who, here, in this body, can say that the regions which they represent do not need additional transportation improvements, that they could not use some of that \$6.8 billion that was duly authorized but instead is lying idle in some government trust fund.

I look to the California delegation: You have been shortchanged by \$610.6 million.

To the Florida delegation: \$241 million.

Ohio: \$242 million.

Virginia: \$145 million.

And my own State of West Virginia: \$68 million.

The list goes on and on.

So I would say to my colleagues, vote to take the transportation trust funds off-budget.

Let us restore faith with the taxpayers.

Mr. Chairman, throughout this debate we continue to hear allegations that one of the motivations of the Transportation and Infrastructure Committee for promoting the pending legislation is that it would, in some unexplained fashion, remove any constraints on so-called pork barrel projects.

The distinguished chairman of the House Appropriations Subcommittee on Transportation in particular likes to make a big deal out of the fact that he refuses to earmark funds for highway demonstration projects.

He even advised House Members not to even try to present testimony before his subcommittee about specific highway projects.

Oh, how holier than thou.

And the press eats it up, showering him with praise for not engaging in so-called pork barrel projects.

Well, my colleagues, the facts show otherwise.

Let's see. I suppose earmarking \$4 million in ITS funds for the Capital Beltway in the current fiscal year appropriations bill does not represent an earmark.

No, of course not!

I suppose that earmarking almost \$41 million for 20 ITS projects in that bill is not really earmarking, now is it?

And I suppose that earmarking 100% of the section 3 bus money, to the tune of \$333 million, for 81—count 'em—81 specific projects is not really earmarking funds at all.

Or what about the section 3 new starts; \$80 million here, \$130 million

there. This isn't really earmarking, is it?

No, I suppose it's just chump change. Ah, but these were not highway demonstration projects, were they?

No, apparently only earmarking funds for highway projects is bad.

Well, Mr. Chairman, if it walks like an earmark, if it quacks like an earmark—it is an earmark and subject to the same pork barrel label highway demonstration projects are often alleged to be.

I raise this because when we hear the next holier than thou—self-righteous—pronouncements from the House Appropriations Committee against our efforts to take the highway trust fund off budget, be advised:

They are living in a glass house and should not be throwing any stones at the authorizing committee.

Let me be clear.

I strongly believe in the right of the Congress to earmark funds for specific transportation projects. We used good criteria when considering highway projects during the NHS bill last Congress.

Circumstances change. Nothing remains static.

And the fact of the matter is that sometimes a State needs a little bit more help with a transportation project over and beyond its normal funding apportionment.

But, please, do not give me this bunk that earmarking discretionary program funds for ITS and transit projects is not really earmarking.

Mr. Chairman, with that, I respectfully submit: Who is afraid of the big bad wolf?

Not this gentleman from West Virginia and neither should this House.

I rest my case.

□ 1300

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time.

Let us talk about truth in budgeting. This country is \$4.9 trillion in debt, rapidly moving to \$5.5 trillion in debt. That is truth in budgeting. This is an effort by one group to grab dollars, to grab turf and to expand its power. What do we need in 1996? We need people to step up, to be part of the solution, not to walk away and be part of the problem. What is reality?

This bill is like rearranging the deck chairs on the Titanic. This bill represents the effort of one group to get into its lifeboat, its own small lifeboat. Some may call the special interest group or this group of special interests selfish. I do not know if it is selfish. I do know it is wrong. A number of groups agree, the National Taxpayers' Union, the Citizens Against Government Waste, the Concord Coalition, the Citizens for a Sound Economy.

We do not need another entitlement. We do need a Congress willing to make tough decisions to protect future generations and to stand up to special interest groups.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank all the gentlemen here in charge of the time for the excellent work they have been doing.

Mr. Chairman, like others, I support needed investments in our transportation system. The First District of Connecticut relies on its roads, bridges, and airports to be its economic and commercial links to the rest of the country and the world.

But while we may have nearly endless transportation needs, we don't have an endless supply of tax money. And although transportation must be a top priority, there are tough choices to be made about where our limited funding goes. Taking these trust funds off-budget shelters them from those hard decisions.

In 12 of the last 15 years, we have spent more from the trust funds than taxpayers put in. Taking them off-budget will tilt the playing field even more toward transportation, at the expense of other priorities and at the expense of deficit reduction.

Calling the trust funds off-budget does nothing to change the reality that our budget is out of balance. In fact, this bill would put us \$20 billion more in the red over 5 years.

I urge my colleagues to support fiscal responsibility and oppose H.R. 842.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I appreciate the opportunity to comment. From my background of 8 years in local government, 11 years in State government dealing with balanced budgets every year, I rise to support this bill and urge its passage. I recognize the original purpose of taking these funds and putting them on the budget was to hide the deficit during the Vietnam war, and for some years it served that purpose.

Mr. Chairman, I also recognize that now we do not perform that practice anymore. We do not try to use these funds to hide the deficit. At the same time, the public is angry. They still perceive this money as being diverted to other purposes. They still perceive this as being used to mask the deficit, and we have to get away from that perception or it is going to hurt our efforts to build a transportation infrastructure in this country.

I urge that we now do what is right, we do what is fair, that we take the trust funds off budget, that we use them for the purpose they are intended for, that we pass this bill and we restore the trust in the trust fund.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, first of all, let me begin by saying congratulations to my colleagues. We do not hear too often this kind of policy debate that completely crosses party lines and really is on a policy issue. I think everyone is to be commended for really getting into this policy debate here.

Let me make it clear where I stand on this. I do rise in strong opposition to the so-called Truth in Budgeting Act, H.R. 842. The title of it certainly sounds great, but the fact of the matter is it is a device for increasing the already huge \$5 trillion national debt that we have. The title of it is misleading and the result is it is going to be very costly.

It does something that we already do too much, and that is have a shell game, with that chart that we saw here earlier by the chairman of the Committee on Appropriations with over half of all Federal spending off budget. This simply moves another piece of it off budget so it is not amenable to the changes that Congress would make through the appropriation process each year. It is a shell game. We call it taking it off budget, but in plain English, it means the spending is going to be exempt from the rules that apply to other Federal spending. In essence, we are creating yet another new entitlement program that just grows and grows without regard to the already overblown Federal deficit. The result would be that transportation simply does not get the same scrutiny as education, defense, a lot of our national parks do when it comes to prioritizing and controlling Federal spending.

Because of that, I think it is inevitable that this kind of spending rises ever faster. To balance the budget, then all other parts of the budget have to take an even harder hit, that is, the increasingly shrinking part of the discretionary pie of spending, so we have to increase taxes. And I think we all know that is not acceptable.

The fact of the matter is that Washington has spent more from the highway trust fund than it has received in earmarked tax in 12 of the last 15 years. In 1994 alone, the Federal Government collected \$18 billion into the trust fund but it spent \$22 billion on trust fund programs. The real issue here is whether or not we should be returning these programs to the States anyhow, whether we should set the standards and return them. I urge my colleagues to vote against this legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MASCARA].

Mr. MASCARA. Mr. Chairman, I thank the gentleman for yielding me time.

During the Eisenhower administration, the Federal Government forged a

compact with the American public, pledging to its citizens that in exchange for a gasoline tax a transportation trust fund would be established. The money generated by the tax was to be used strictly for transportation and infrastructure development. Forty years later, Americans continue to uphold their end of the bargain. Americans pay 18.4 cents Federal tax on every gallon of gas they purchase and a 10-percent excise tax on all airline tickets. Last year alone, these taxes added up to nearly \$30 billion.

I find it simply inexcusable that the Government refuses to release these funds at a time when our Nation's infrastructure is crumbling. It is estimated that more than \$300 billion is needed to remedy our unmet transportation and infrastructure needs.

By failing to use these funds for their intended purpose, the Federal Government has broken its promise and violated the principles that are central to the notion of a trust fund—the term “trust fund” in this case is a true oxymoron.

As a former Washington County, PA, commissioner, I witnessed first-hand the vital role a strong and viable transportation system plays in stimulating our Nation's economy. The Monfayette Expressway in my district is a classic example of this premise. Studies around the world have shown a strong correlation between infrastructure development and sustained economic growth.

It is simply unfair for the Federal Government to limit economic development opportunities by hoarding the transportation trust funds to mask the Federal deficit.

Today, Congress has an opportunity to fulfill the agreement that was established between the Federal Government and the American people in the 1950's. I support Chairman SHUSTER and ranking member OBERSTAR's efforts to return these trust funds to their rightful owners—the American people. I urge all Members on both sides of the aisle to vote for the Truth in Budgeting Act, H.R. 842.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. FRAZER].

Mr. FRAZER. Mr. Chairman, as a cosponsor of this legislation, H.R. 842, I understand the importance of investing in our infrastructure. On September 15 of last year, the U.S. Virgin Islands was devastated by Hurricane Marilyn.

Today we are still trying to repair the economy.

The CHAIRMAN. The Chair wishes to inform the manager that the time of the gentleman from the Virgin Islands [Mr. FRAZER] will be taken from the time of the gentleman.

Mr. OBERSTAR. Mr. Chairman, the gentleman is recognized for a unanimous-consent request, not for the time.

Mr. SHUSTER. Mr. Chairman, is it true that the gentleman may put his entire speech in the RECORD?

The CHAIRMAN. The gentleman's statement may be entered into the RECORD under the unanimous-consent request.

Mr. FRAZER. Mr. Chairman, am I being made to understand that it is less than 1 minute that I requested, that I merely submit for the RECORD?

The CHAIRMAN. If the gentleman from Minnesota wishes to recognize the gentleman for 1 minute.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from the Virgin Islands [Mr. FRAZER].

Mr. FRAZER. Mr. Chairman, I recognize that the Territory of the Virgin Islands does not have a vote in this institution, but it seems as though the proceedings are becoming so that the Territory of the Virgin Islands does not even need to be represented in this institution.

Mr. Chairman, I want to thank Chairman SHUSTER and ranking member Mr. OBERSTAR for bringing H.R. 842, the Truth in Budgeting Act to the floor.

As a cosponsor to this legislation I understand the importance of investing in our infrastructure. On September 15, 1995, the U.S. Virgin Islands was devastated by Hurricane Marilyn. Today, we are still trying to rebuild our economy. The first step in rebuilding our economy is our infrastructure. The airports, highways, and ports in the Virgin Islands are the keys to our economic prosperity.

The economy of the Virgin Islands is based on tourism. In order for our economy to grow, we must have a strong infrastructure. Our airports and highways must be fully operational and functional so that they can generate the revenue which will create jobs and funding for infrastructure development. Constituents pay to use these services and they are entitled to receive a benefit.

The aviation trust fund allotment for the Virgin Islands in 1994 represented \$3 million. A reduction in funding for the Virgin Islands would have a negative impact on our ability to rebuild our economy.

Mr. Chairman, I urge my colleagues to vote “yes” on H.R. 842, so that we can use these funds to rebuild our infrastructure.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in strong opposition to H.R. 842. I refer to the bill by number rather than name because I feel this legislation promotes anything but truth in budgeting, at least if that budgeting is supposed to be aimed in the direction of balance. In fact, this bill would reduce controls on Federal spending, the exact opposite of what we should be doing as we work toward a balanced budget.

Next week the Budget Committee, on which I am privileged to serve, is scheduled to begin the process of putting together the budget resolution for fiscal year 1997. This process will require many tough choices as priorities are set among worthy programs. All programs will be required to make sacrifices in the effort to achieve a balanced budget by 2002. My guess is that not a single program will receive the full amount of funding that its advocates would like. But essentially all programs will be together in the same boat, competing for priority status as we seek to determine how best to allocate the revenues coming into the U.S. Treasury.

This bill is an effort to circumvent this process for one segment of the budget. The debate today is really about whether the transportation trust funds should be exempted from the priority-setting process that tests every other program. A vote for this bill says that spending on transportation programs automatically should receive a higher priority than every other program of the Federal Government.

We have heard good arguments today about the value of investing in our national infrastructure. I agree with much of what was said but I disagree with the venue. This debate should be heard in the midst of arguments about the value of every other program, not standing alone without programmatic competition for numerous hours on the House floor.

We're talking about much more than the simple bookkeeping activity of moving the trust funds onto a different side of the ledger. The real impact of the bill is in removing trust funds from the statutory budget enforcement mechanisms and, to a lesser extent, the congressional budget process. Currently, spending from the trust funds is subject to the discretionary spending limits or pay-as-you-go rules. The discretionary caps have been quite successful in controlling discretionary spending and have played a major role in the significant deficit reduction we've witnessed in the past 4 years.

In my opinion, we should be expanding the spending caps to cover all programs, not reducing the number of programs subject to the caps as this bill seeks to do for transportation spending. Spending from the trust funds would have greater protection than any other spending program. Even Social Security spending is subject to pay-as-you-go rules.

During the debate Monday evening regarding the tax limitation constitutional amendment, there was a lot of rhetoric about the need to control Federal spending. I cannot understand how any Member who voted to amend the Constitution on Monday evening, or for that matter any Member who claims to care about deficit reduction, can vote for a bill that will make it much easier

for Congress to increase spending without accountability.

The Director of the Congressional Budget Office stated that if trust fund spending was exempted from budgetary controls "transportation spending could increase significantly." The General Accounting Office made a similar point: "Whatever the immediate effect on the deficit, exempting one type of spending from the Budget Enforcement Act makes it likely that such spending will increase over time." Similarly, the reserved Fed Chairman Alan Greenspan said that taking trust funds off-budget "could weaken the ability of the Congress to prioritize and control spending * * * [and] could engender cynicism in financial markets and the public at large about the commitment and ability of government to control Federal spending."

This year, much ado has been made about differences in scoring between the CBO and the OMB, but the two are in agreement about this issue. They both have estimated that this bill would allow transportation spending to increase by \$20 billion above an inflated baseline and \$40 billion above 1995 levels over the next 5 years. I know that the drafters of this legislation claim that the bill is deficit neutral but they are not the referees who score Federal spending; CBO and OMB are the two entities we count on to do that job. At a time when programs for education, health, senior citizens, youth jobs, scientific research and so many other important programs are being cut or given increases well below inflation, I have a hard time justifying a \$40 billion increase straight out of the gate for transportation spending.

Finally, granting special status to the trust funds will undermine the principle of shared discipline which is so critical to building consensus for reaching a balanced budget. Supporters of all other Federal programs, understandably, will be far less willing to accept cutbacks in their own programs if transportation, or any other specially anointed program, is exempt from sharing the burden. The credibility of the process will be severely undermined by the contrast of transportation spending receiving a full inflation increase plus as much as \$20 billion beyond inflationary increases while other programs losing in actual dollar terms.

H.R. 842 also will make it more difficult to implement a deficit enforcement mechanism along the lines of the one included in the Coalition budget by exempting trust fund spending from sequestration. One of the weaknesses that led to the failure of Gramm-Rudman was that it exempted a large number of programs from sequestration, thereby reducing the number of people who have a stake in reducing the deficit. Taking the trust funds off budget would mean that the transportation in-

dustry would not have a stake in ensuring that a balanced budget plan works, because they would not be affected by its failure.

If you are serious about controlling Government spending, if you believe in the importance of a fair budget process, if there are other Federal programs that you rank at least of equal importance with transportation programs, then vote against this bill.

□ 1315

Mr. SHUSTER. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in support of H.R. 842, the Truth in Budgeting Act. This bill will accomplish three goals.

First, it will restore honesty with the American taxpayer. The transportation trust funds are comprised of user fees—taxes paid by transportation users with the express understanding that their collection will be used to finance transportation improvements. To have these funds as part of the budget, masking the deficit, and not spent on transportation needs is simply not fair.

Second, the bill will spur economic growth. Transportation represents 17 percent of the American economy. Transportation improvements benefit us all and the use of these surplus funds will go a long way toward providing a boost for America's economy.

Third, every single State will benefit in increased transportation funds from enactment of this bill. Had the transportation trust funds been off budget since 1991, my State of Florida alone would have received an additional \$241 million. As a donor State to begin with, this amount would help offset our significant transportation needs.

I urge my colleagues to support this bill and return fairness to these user fees.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, I rise in strong support of this bill which is critical to the future of our transportation systems.

According to the U.S. Department of Transportation, nearly 25 percent of our Nation's bridges are structurally deficient or functionally obsolete, and over 30 percent of our interstate pavement is in poor or mediocre condition.

The average fleet age for our transit buses is greater than the useful life of those vehicles.

And yet, because of obligation limitations imposed in annual appropriations bills, the ISTEA highway program has been underfunded by \$6.8 billion over the past 5 years. Let me be clear, this \$6.8 billion was fully budgeted for and could have been supported by the highway trust fund. Each Member can look at this table here on the floor and clearly see the funding his or her State has lost.

This is \$6.8 billion of contract authority—accounted for and contained in the budget resolution—which States have not been allowed to use for transportation improvements.

The Surface Transportation Subcommittee is now beginning the process of reauthorizing ISTEA. The future budget authority provided and the size of the program will be a determining factor in the type of transportation program we can enact to lead us into the 21st century.

This is a simple fact of life. We must be able to spend the gas taxes we collect on our future transportation program or we will be severely limited in the flexibility and creativity necessary to address today's transportation needs. For example, like more than a majority of House Members, I represent a donor State and want to revise the current outdated and inequitable formulas.

But, this will be hard to do, if not impossible to do, with a shrinking program—a program funded entirely by user fees that may be cut by as much as 40 percent according to some budget projections. This vote is important to the ISTEA reauthorization.

Don't be scared off by exaggerated claims made by opponents of this bill. There is no general fund subsidy of the highway trust fund.

The vast majority of general fund transportation spending that opponents have cited is from the now-defunct revenue sharing program, the community development block grant program, spending by nontransportation agencies, and other specific programs approved by the Appropriations Committee that are totally separate from and hardly relevant to the highway trust fund, the Federal-aid highway program, and this debate today.

In fact, it's the other way around—limitations on trust fund spending have subsidized other general fund spending.

This bill is not a budget buster and it will not automatically increase the deficit by some \$30 billion as some have claimed. Appropriate controls and Congressional authority remain in place. But H.R. 842 will go a long way toward ensuring that, in the future, the user fees and taxes we have imposed on the traveling public and which are paid so dutifully by them day in and day out, will be spent for their intended and lawful purpose. Not to do so is dishonest and unfair to the American public.

Vote "yes" on H.R. 842—it's the right thing to do.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I thank the gentleman from Minnesota for yielding this time to me.

I rise in opposition to this bill, not because I oppose spending the trust fund obligations for the purpose for which they were incurred. In fact, I would favor legislation that would mandate that the trust funds be expended for that very purpose, that would prohibit expenditures from the general fund, that would require us to raise the user fees if we need to spend more money. I am all in favor of that, but that is not what this bill does.

We have limitations placed upon the budget process for one purpose. The whole Budget Act of 1974 that we are operating under was placed there for one purpose, to put fiscal restraints in

place so that we would have to make all of the decisions within the same context of a budget.

The purpose for the line-item veto was to allow the President to say here is certain spending that ought not to be spent. There is one area of spending that is exempt from the line-item veto. It is contract authority from the Committee on Transportation and Infrastructure so that they can designate money that has to be spent that cannot be vetoed by the President under line-item veto.

Now, what this bill attempts to do is remove all of that spending from the Committee on Transportation's authority, to remove it from the budget process so that there are no other fiscal restrictions or restraints that would require us to consider all spending within one specific decisionmaking process.

That is bad fiscal policy, it is bad budget policy; I would urge my colleagues to vote against it, and I will submit into the RECORD a letter from the Citizens Against Government Waste explaining why this is a bad bill.

Mr. SHAYS. Mr. Chairman, I yield 6½ minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, it is always a little bit frustrating when we come to a vote on a bill like this, that we wonder whether people who are going to be voting on this, or their staff, are paying attention. Well, I guess, without a rollover or anything like that, we just rely on the fact that those wonderful staff people have their eyes focused on this chart and what the impact is of this legislation.

Now, this highway trust fund was established in, I believe, 1956, and what we have done is we have added up cumulatively all the money that has ever been collected from taxpayers in highway taxes to pay for roads. We added it all up from 1956 to 1996. The total amount of money collected in highway gasoline taxes to pay for highways totals \$214 billion. Now, we added to that that interest that we owe from just the highway section, and that adds up to \$21 billion, for a grand total, and think of this as some kind of a telethon, a grand total of what we have raised since 1956, of \$235 billion from our taxpayers in fuel tax to fix our roads.

Let me stress that number again: \$235 billion total collected, plus interest.

Trust fund spending has been \$228 billion. In other words, my colleagues, we collected \$214 billion in gas tax money to fix the roads. But consistent with everything else we do in this town, and unlike what families do, instead of spending \$214 billion on fixing roads, we spent \$228 billion, and then when we add to that the money beyond the trust fund money, that is another \$63 billion, another \$63 billion, for a grand total, a grand total since 1956, of \$291 billion.

We have collected and had interest that cumulates \$235 billion, and we have spent \$291 billion on highways.

Now, anyway, and I have got limited time and we got a whole lot of debate going, let me just do this thought. The simple fact is, as my colleagues know, the argument here, the argument in this body, is somehow the people have been cheated, somehow they have paid a lot of money in gas taxes, and they have not got the roads fixed for the money they paid. Well, that is not true. Frankly, what we have done is, we have one more time gone into the piggy bank of our children. We have gone into their piggy bank to have more money spent on roads.

Now, it should be equal. It is not equal. We have overspent on highways from what we were dedicating revenue to fix roads with. It is not complicated.

Now, if my colleagues want to take this thing off budget, let me just give them the bottom-line impact. To everybody in this Chamber:

If you spend any of this accumulated interest, then what you are doing is you got to do one of two things. You are either going to raise the deficit, which means you got to borrow more money and increase the national debt, or you got to cut some other program. It is not a confusing, complicated deal. It is one or the other. Now, under the current situation, if you want to spend more on roads, and I am not opposed to doing that because roads is infrastructure, and if the roads are not determined by pure politics, they can generally help the economy. But I do not think we ought to put roads above anything else.

I mean we can develop a super-computerized system, as individual instruction for our children using computer technology. Frankly, that is more effective to me than just making roads a priority.

Look, the reason why we are coming to the floor and what contractors think and what a lot of people think is, as my colleagues know, we did not spend all the money we took in, that we got this shoebox full of cash. We got this shoebox full of cash to build all these roads, and the simple fact of the matter is we "ain't" got no shoebox. We do not have any cash in the back drawer. This involves borrowing. It involves our children. That is what it involves.

So I say to my colleagues, if they want to come to the floor and pull this off budget, fine. They can vote that way. They can vote that way, and just understand the consequences: We either are going to have to borrow more money and drive up the deficit or we are going to have to cut other programs which we struggle to avoid doing in this Chamber, create tougher priorities.

So, I mean, I give a lot of credit to the gentleman from Pennsylvania. I have never seen anybody more tenacious on an issue. He believes in this

program, and I respect him for it. It is not a personal fight with anybody in this Chamber. It really is a matter of whether we are going to get our fiscal house in order and not put one priority ahead of another in times when we have got to choose or raise the national debt.

So I would urge my colleagues to keep our plan on schedule, and the gentleman from Virginia said this will be the end of balanced budgets. I am not going to be that gloomy here today. But it certainly makes our job more difficult. Do not support this bill, reject it.

□ 1330

Do not support this bill. Reject it. We can continue to have robust highway spending if we deem that to be a top priority, but keep this total spending within the decision-making that we all make in this Congress. But no one should come here thinking that somehow we have cash.

This is what we spent, 291. This is what we collected, 235. No one should think that we have underspent or taken our highway money and used it for something else. It just simply is not true. Let us be honest with the public on the way in which we add our numbers up.

Mr. SHUSTER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would respond to the distinguished gentleman, it is very true, if you go back in history, there was substantial general fund money spent on highways and other transportation projects. CDBG grants were spent, revenue sharing was spent. All of this is true, back in history. It also, interestingly, indicates how important transportation is to local communities. Nevertheless, nobody disputes that.

But Mr. Chairman, facts are stubborn things. Does anybody in this body dispute the cold, hard fact that there is over \$30 billion in the transportation trust funds today? Nobody disputes it. It is a fact. That is the balance in the trust fund. We should spend that money in a rational, careful way.

Mr. SABO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I listened to the argument of our good friend, the gentleman from Pennsylvania. It would strike me that if one followed that logic, one should say that I think there is a surplus today in the Medicare fund, and we should spend it all today and it would not impact the deficit. That would be about the same logic.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I just wanted to follow up on what the gentleman from Ohio [Mr. KASICH] was saying, to make this point. In 12 of the past 15 years, the highway trust fund expended more than it collected in dedicated taxes. In 12 of the years since

that trust fund's inception in 1956, the highway trust fund expended more than it collected in both dedicated taxes and interest paid into the trust fund from the general fund.

I repeat that. In 12 years since 1956, it expended more than it collected in both taxes and interest. We are not saying do not spend money on highways. I believe in spending money on highways. I am a strong supporter of that. But count it, just like you count everything else in the budget.

The gentleman from Ohio [Mr. KASICH] is exactly correct. We have had a very large excess expenditure above revenues out of this fund, and people ought to recognize that.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I want to thank the distinguished gentleman for yielding time to me, and commend him and our outstanding chairman of the subcommittee for the great work they have done in bringing this bill to the floor today.

Mr. Chairman, today is our opportunity to restore honesty and truth to the Federal budget by voting to take the transportation trust funds off budget.

Chairman SHUSTER and Ranking Member OBERSTAR deserve high praise for their outstanding efforts to bring this bill to the floor.

Mr. Chairman, it makes no sense to me that we would ask the American people to pay taxes for these transportation trust funds and then not use the money.

These are dedicated funds that should be used for their intended purpose—the improvement of our Nation's transportation system.

Sitting on these dedicated funds which cannot be spent for anything else is simply a fraud on the American people.

We have been lying to the American people by telling them to pay their gas taxes and airline ticket taxes for an improved transportation system and then not investing the money in transportation.

In Philadelphia, we are faced with a vital need to rebuild Interstate 95, our key commuter and freight route that is used by 150,000 vehicles a day.

In the last month, I-95 has been closed and then restricted because of a fire that damaged the structure.

We have had massive traffic jams that have lasted the entire day, disrupted the surrounding neighborhoods, and produced chaos throughout the area.

The Pennsylvania Department of Transportation planned to invest \$2 billion to make I-95 the highway of the 21st century.

Just this year, the PennDOT plan was reduced to a \$176 million resurfacing that will not solve our traffic problems and must be redone in 5 years.

By not investing the money in the trust funds, Washington is telling America's drivers who are sitting in traffic jams to get used to it.

It makes no sense to have a \$20 billion balance in the highway trust fund—including \$312 million for investment in Pennsylvania—when the money should be used for the reconstruction of I-95 and the many other roads throughout Pennsylvania that badly need improvement.

A vote against H.R. 842 is a vote against using this money to reconstruct I-95 and the many roads like it.

It may be a vote to fund other programs but it is a vote against reconstructing I-95.

In Philadelphia, our transit system, Septa, is an absolutely key part of our regional transportation system, carrying more than 1 million passengers each weekday.

Without Septa, we would have more traffic congestion requiring more roads and more parking facilities.

Right now, Septa is in trouble. Septa needs more money for upgrading track, stations, and equipment.

The entire Philadelphia region loses if Septa is allowed to continue on a downward spiral.

An improved, modernized Septa system benefits everybody in the region.

At the same time we have allowed a \$9.6 billion cash balance to build up in the transit account—money that our Nation's transit systems desperately need.

A vote against H.R. 842 is a vote against using this money to help Septa and other transit systems. It is a vote against transit.

It may be a vote to support some other program but it is a vote against transit.

Philadelphia international airport has been trying to get funds to build a new commuter runway that will increase capacity by 40 percent.

Annual operating delays at Philadelphia cost airlines more than \$70 million in wasted fuel and labor costs.

At the same time, however, we have allowed a balance of \$11 billion to grow in the aviation trust fund.

A vote against H.R. 842 is a vote against funding projects such as the Philadelphia commuter runway.

It may be a vote to use the transportation trust funds for some other program but it is a vote against airport projects.

The inland waterways trust fund and harbor maintenance trust fund are also crucial elements of this bill.

The Nation's ports handle more than 1 billion tons of cargo annually, including 95 percent of our international trade.

Many ports are in a crisis today because of the need to expand capacity to meet new trade demands. It is estimated that \$600 million will be needed for ports during the next 5 years to keep pace with the growth of commerce.

The outdated and antiquated locks and dams of our inland waterway system hinder shipments and require additional investment.

More than 40 percent of the locks are more than 50 years old and one is 150 years old.

Mr. Chairman, a vote for H.R. 842 is a vote for honesty in budgeting and for investment in economic growth.

We have told the American people to pay their money for transportation. Not spending the money is fraud.

Our long-term transportation needs are important enough to take the trust funds off

budget and increase our investment. Each \$1 billion of investment in infrastructure creates 42,000 jobs.

We should take the trust funds off budget and use the money the American people have already paid.

Mr. Chairman, 6 years ago, we took the Social Security trust fund off budget. This is the exact same situation.

Let's put trust back in the transportation trust funds and pass H.R. 842.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, by passing this legislation, we will be moving smartly from fuel tax fudging to truth in budgeting. How many of the Members would dare to stand at their gas pump and to tell each one of your constituents after you shake his or her hand, do you know that part of the tax that you are paying with each gallon of gas is going toward payment of welfare costs, toward foreign aid? Because that is the result of not spending their fuel tax for the dedicated purpose, just the opposite of what the opponents of this legislation are saying.

The opponents are saying that if we go through with this plan as envisioned by this bill, we will be robbing our social programs of moneys. That means they must be paying for them now through the fuel tax that they are paying. Is that not the obvious, logical conclusion? Truth in budgeting means that the American people, to whom we owe full faith and credit, have a right to expect that their fuel tax goes for nothing but highways.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding time to me, and I also thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee.

Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I commend the leadership of our committee, Chairman BUD SHUSTER and Ranking Member JIM OBERSTAR, for introducing this legislation to take the transportation trust fund off budget. I want to share with my colleagues why I cosponsored this bill.

President Eisenhower was a visionary when he created the highway trust fund in 1956. He knew that by creating a new trust fund where those who benefit from the transportation program pay for the program, a steady, dependable stream of revenue would ensue. For many years the trust fund worked as promised: motorists paid into the fund and in return they received highway construction and transportation improvements.

But when Congress created a unified budget in 1968, the word trust was removed from the highway trust fund. I looked up the word trust in Webster's Dictionary, and this is what it says: trust is a dependence on something future or reliance on future payment. Webster's also defines trust as: to commit or place in one's care or keeping.

Mr. Chairman, I submit to you that after I read those definitions it became clear to me that the word trust in highway trust fund has no meaning.

Why do I say that? Because over time the Government has collected but withheld and diverted nearly \$31 billion in trust fund dollars. This is money that should have been going to our Nation's infrastructure.

Americans have faithfully supported the concept of a highway trust fund by dutifully paying their gasoline tax for 40 years. What have they received in return? 176,000 miles of American highways in mediocre to poor condition. Severe road congestion on 30 percent of our Nation's major roads. A \$290 billion backlog of bridge repair work.

Polls show that 72 percent of the American people believe the motor fuel fee is the fairest way to finance highway improvements. They want their money to go toward protecting our investment in our Nation's infrastructure. But this shell game being played with the moneys in the highway trust fund has only delayed this badly needed investment and helped fuel the prevailing cynical attitudes people have toward their elected officials and Government.

Let's stop the charade and pass H.R. 842.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of the Subcommittee on Aviation.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee [Mr. DUNCAN].

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 1½ minutes.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of H.R. 842, introduced by the very capable chairman of the Transportation Committee.

I do not want to repeat many of the comments that have already been made here today. But let me say that this, Mr. Chairman, our Nation needs this legislation.

No one disputes the fact that we need to spend more than we presently are to repair, maintain, upgrade, and improve our Nation's highway and aviation systems.

I have been very fortunate to serve as the chairman of the Aviation Subcommittee for 16 months now, so I will speak to the serious needs in our Nation's aviation and air traffic control system. Air passenger traffic is going to double in the next 10 years, from

over 500 million a year now to almost 1 billion 10 years from now.

I am one of the most fiscally conservative Members of this House, so I have been very frugal in what and how we spend the taxes that are sent here from hardworking Americans.

Mr. Chairman, as it has been said earlier, this issue is a question of fairness to the taxpayer.

It is a question of whether or not we should keep our commitment with the people who pay taxes, to this Federal Government, every single day of the year.

Every time a person gets on a plane. He or she pays taxes. Every time a person puts gas in their car, he or she pays taxes.

Many years ago, Congress established a policy, a pact, with the American people. If you pay these taxes, we here in Congress will turn around and spend them on repairing our highways and bridges and we will update our antiquated air traffic control equipment.

Mr. Chairman, the aviation trust fund was established in 1970 to help bring our air traffic control system up to speed. But as we all have seen this has just not been the case.

Last year, air traffic control centers suffered more blank radar scopes, dead radios, downed computers, and failed power systems than in any previous year.

This 30-year-old equipment causes airplanes to be delayed and certainly shakes public confidence in the safety of flying.

There have been air traffic computer failures at FAA centers near Chicago, Dallas, Cleveland, New York, Pittsburgh, Boston, Atlanta, Houston, Oakland, and Miami.

In fact, just a few weeks ago the FAA issued a coast-to-coast grounding for aircraft going to Pittsburgh airport because of an outage.

While these outages have been occurring more and more frequently, the aviation trust fund has taken in billions, at least \$5 billion last year alone, not including the \$1 billion in interest.

At the end of the last fiscal year, the aviation trust fund has a cash balance of nearly \$11 billion.

This enormous balance has not accumulated because of any sound policy reason but rather as an accounting gimmick to help hide the size of the Federal budget deficit.

Mr. Chairman, experts have testified before the Aviation Subcommittee that airport needs over the next 5 years will total \$50 billion.

The FAA expects that air travel will increase from over 500 million passengers today, to well over 800 million by the year 2005. This is a 56 percent increase in air travel.

And, the FAA has reported that 23 airports across the Nation exceed 20,000 hours of delay per year.

Unless significant capacity improvements are made, the FAA expects that by the year 2002, 33 airports will experience delays of 20,000 hours or more, costing millions of dollars annually.

In 1995, the aviation trust fund took in \$6 billion. The Administration has projected that the aviation trust fund, under current law, will take in \$9.2 billion in 2002, a 46 percent increase.

Mr. Chairman, I believe Americans are paying too much already in taxes today.

Moreover, I have never voted for a tax increase since I have had the privilege of serving in this body.

However, in my opinion, if we are not going to spend the taxes we collect for the purpose of which they were intended, then we should return the money to the people.

We must take the transportation trust fund off-budget so that we can spend the aviation taxes to improve the safety of the air traffic control system.

We must pass H.R. 842 today and not wait until a tragic aviation accident embarrasses Congress into taking action.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I would ask the gentleman, why is it the trust fund only pays 50 percent of FAA operating costs, when all the studies show that 85 percent is related to civilian air travel? Has not, in effect, general revenue substantially subsidized the operation of FAA over the last several years?

Mr. DUNCAN. To some extent, yes. That is correct, I would say to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the answer to the question is that 75 percent of the overall budget of the FAA is funded out of the trust fund revenues. There is an additional amount that is paid out of general revenues from the DOD budget to account for air traffic control services to the military, and some people, some folks at OMB, account for the operating budget of FAA in a different way in saying that the operating budget, salaries and expenses are 50 percent. But that is an irrelevant argument.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, if we listen to the opponents of this particular bill, we would think that Dwight David Eisenhower was the father of pork in America. Ike was not a pork barrel President, and this is not just truth in budgeting, this is a truth in financing, truth in borrowing.

I should have offered an amendment calling for an investigation into congressional borrowing from trust funds. These user fees are taxes. The American people pay taxes to fix their roads. The money going to this account is already going for other services. It is not true. This is a good bill.

Let us talk about this. Maybe we should take the Committee on Appropriations and keep them on budget and take the trust funds off. H.R. 842 does not say these matters still do not go through appropriation. They are still subject to appropriation. The trouble with America today is that everybody has their hands on trust funds. They should all have their own boards of directors. No one should be able to touch

them. That Social Security trust fund is financing a debt, and we are not getting the truth on the deficit or the national debt.

There is no justification to use highway money for anything else. There is no justification to keep America second rate. This money has an intended purpose. There is a tax; not a user fee, a tax. That tax, Mr. Chairman, is directed towards maintaining our infrastructure, fixing our roads, and the appropriators still have a say.

The trouble is, if we are going to get some truth out of the whole budgeting process, tell us the truth of the national debt, tell us the truth of the deficit. You have been trying to mask it with this trust fund for too long. Open it up, use it for what it was intended. Anything else is hypocrisy and maybe against the law. Damn it, I wish I had offered that investigation amendment. I yield back the balance of these taxes.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I rise today in support of H.R. 842, and commend Chairman SHUSTER for the work he has done to bring this bill to the floor.

Mr. Chairman, I rise today in support of H.R. 842, legislation to separate the four transportation trust funds from the unified Federal Budget. Before being elected to Congress, I served on a city council and listened to many residents who were concerned about funding basic infrastructure needs. These same citizens are under the mistaken impression that the money they spend every day on gasoline excise taxes will be used to improve roads, bridges, airports, and waterways across the country.

It is simply wrong to use the revenue dedicated to these trust funds for anything other than their original purpose—and we can act today to correct this matter. There are billions of dollars of unmet infrastructure needs in the United States and the sad thing is that we already have the money to pay for these projects—only it is not being spent. The cost to the taxpayer and our Nation to rebuild these roads will only increase if we continue to delay taking the four transportation trust funds off budget. I urge a “yes” vote.

Mr. SABO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let us be straight about some facts. Since 1981, we have spent more than we have collected in receipts and interest in these funds. The way we measure the deficit is expenditures versus revenue. In 1994 and 1995, the expenditures from the highway trust fund have exceeded total revenue. The same is true in the airport trust fund. They are not subsidizing the balance of the budget.

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Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I would make the comment to the distinguished chairman of the Budget Committee and others who have been promoting a balanced budget that if we take these off-budget and use them for their purpose, we would actually be saving money, that we would not be spending in excess. That would answer their question. But I rise in strong support of this. I commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, and the gentleman from Minnesota [Mr. OBERSTAR] for the leadership that they have exhibited over the last several months and years. I would add. This bill is a product of their tremendous efforts to restore fairness and accountability and we must have accountability in the transportation budgeting. In 1994 in my home State of Illinois, the gas tax amounted to \$663 million. It is imperative that these trust funds be used for essential improvements and repairs to our infrastructure.

Mr. Chairman, it is time that our highways and airports receive the funding they deserve and this can only be done by moving the trust funds off-budget. Keeping the trust funds as part of the unified budget has had a severe impact on my home State of Illinois and the other States in the country.

I urge my colleagues to support honesty and fairness in the budgeting process and support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. I thank the gentleman from Minnesota for yielding me this time.

Mr. Chairman, I rise in support of H.R. 842, the Truth in Budgeting Act. For more than 40 years Americans have been contributing to transportation trust funds designed to ensure a safe, efficient, and reliable transportation infrastructure.

Since 1969, these trust funds have been included as part of the unified budget for the purpose of masking the extent of our deficit spending. The budget chairman's chart revealed what's been spent—but no mention of the unmet needs of this Nation. In my State of Missouri, we have more than \$1.7 billion in unmet highway needs, including 261 lane miles of 4-lane highway needs, and 136 bridges in need of major repair or replacement.

Mr. Chairman, balancing the budget was a priority when I campaigned for Congress, and I have worked hard to reach that goal. But in our quest for a balanced budget, it makes no sense to let our infrastructure fall into disrepair. Each year we will find ourselves in a greater dilemma if we refuse to seriously address our many transportation needs today.

The Truth in Budgeting Act will remove the transportation trust funds from the artificial constraints that prevent needed money from being released. It will allow for greater investment in our Nation's future, and reward the American people's commitment to a strong transportation infrastructure.

I urge my colleagues to support H.R. 842.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act. I am a proud cosponsor of this much needed legislation, because I believe it reflects a strong commitment to improving and maintaining our Nation's transportation infrastructure.

Very simply, H.R. 842 will take the four Federal transportation trust funds out of the unified budget. This is the same budgetary treatment given the Social Security and U.S. Postal Service trust funds, and it is the right thing to do. Every day, millions of tax dollars are collected through the sale of motor fuel and airline tickets. These taxes are designed to build and maintain our transportation infrastructure system. Unfortunately, because the trust funds are part of the unified budget, their positive balances have been wrongly used to mask deficit spending.

Mr. Chairman, our continued investment in highways, airports, waterways and ports is of critical importance to the 19th Congressional District of Illinois. Taking the four transportation trust funds off budget is a fair way to ensure that tax dollars collected to improve and maintain our transportation infrastructure, are used for that purpose. I urge my colleagues to join with me, and the other 224 cosponsors of H.R. 842, in supporting this important legislation.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I support the Truth in Budgeting Act. You may ask why? I would like to give one example.

Federal highway transportation funds were designated to expand the Niblick Bridge in Paso Robles, within my district. The funds were appropriated, yet they could not be used immediately because an environmental impact statement needed to be conducted before the construction of the bridge could commence.

Hundreds of thousands of State and local dollars had been invested in repairing the bridge and conducting the mandated environmental reports to comply with regulations to build the bridge. This took time. In fact, 4 years to be exact. Because all the moneys could not be used immediately, the budgeters wanted to rescind these unprotected dollars to mask the deficit rather than use them for their intended use, which is to repair and strengthen our existing transportation infrastructure within the United States.

Well, I believe that if you collect a tax for a specific purpose, then, by golly, you should use it for that specific purpose. So for that reason, I urge my colleagues to strongly support the Truth in Budgeting Act.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we have heard, I believe, some really interesting and creative accounting here with the chart from the chairman of the Committee on the Budget and the ranking member. They would have us believe that, over time and currently, that we are spending more than we collect in dedicated taxes to maintain the transportation infrastructure of our country, and they are most interested in balancing the budget and keeping the books straight.

If that were true, then I am confused as to why the Committee on the Budget chairman and the ranking member are not supporting this bill. If it is true that we are now subsidizing these trust funds, I am willing to live with reality. Let us only spend the dedicated taxes that we take in that are levied on the people of the United States, in gas taxes and in ticket taxes and other taxes that support this infrastructure. Let us only spend that.

I am willing to live with that. Are they? No, they are not, because in fact they are taking money out the back door to defray other expenses of the Federal Government. They are borrowing every penny that is accumulated in the trust fund balance, and it has been spent and replaced by IOU's.

It is also interesting to me that in a Congress that is interested in growth and investment, that we do not have a little more discussion from some of those in opposition about what it means to spend money that is invested. If you spend money in a bridge, a highway, in mass transit, that money will provide economic benefits for decades to come. Yet we treat that the same as money spent for a one-time expenditure of something consumable and thrown away by the Federal Government. Does that make any sense? It makes no sense whatsoever.

These funds are raised to be invested to improve the transportation and infrastructure of this country, and no one in this body can tell me or any other Member who is informed that we have met those needs, with bridges falling into the rivers and highways in disrepair and mass transit going unbuilt. We need to get these funds off-budget.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act.

Mr. Chairman, I support this legislation for many reasons because I believe that the infrastructure of our Nation is

vital to our economic viability. This is true, and it is backed up by statistics that say that more than 40 percent of highway use is by businesses and small businesses alone.

Mr. Chairman, I have heard from small businesses in my district that are currently paying the largest taxes. They are also the largest job producing segment in my district and in districts all across the country. They make the largest contribution, small businesses do, to these funds, and they want to make sure that these trust funds are restricted and they are not used for other things than they are intended for.

I have heard from a constituent in my district, Melvin Rupp, a small business owner. If those in opposition to this legislation think that the people back home do not know what it is about, then they are sorely mistaken. Mr. Rupp and others in my district have urged me to do what is right, to protect these funds for their intended use, to stop using these funds for masking the deficit and to support a real balanced budget.

I ask strong support for H.R. 842, and thank our chairman and ranking member for the work they have done on it.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the gentleman for this opportunity and rise in support of this bill.

The reason is, when you look at a rural district like I have in northwest Iowa and the tremendous infrastructure demands that we have in an agricultural area, our roads are crumbling. In the last 5 years the State of Iowa has been denied about \$87 million that could have gone into roads and bridges, to build infrastructure, because we have decided to spend those dollars someplace else.

I am as conservative as anyone on the floor here as far as trying to balance the budget. If I thought that this was part of the problem, I would not be supporting this. But, in fact, our problem as far as the budget is our addiction to spending more money in social programs and consuming for today and not investing in the future.

What this is all about is putting dollars that are paid by users to go into infrastructure, to go into roads, to try and maintain our economy and to create jobs. I support this bill.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I rise today in strong support of H.R. 842, the Truth in Budgeting Act. This is a measure that will affect every American who buys gasoline in his or her car or buys airline tickets. Americans currently pay an 18.4-cent tax on gasoline and a 10-percent tax on airline tickets. This money, approximately \$80 million

a day, is placed into the transportation trust fund and is supposed to be used to pay for urgently needed infrastructure such as maintenance of our highways. Instead, the Federal Government for years has been hoarding much of this tax money and using it to mask the true size of the deficit. This means the Federal Government is essentially stealing from Americans each time they travel.

What does this all mean to Ohio drivers? The Ohio Department of Transportation estimates that Ohio sends about \$1 billion in Federal gas taxes to Washington annually. Unfortunately, the State gets back only about \$600 million of that money. Of the remaining millions, \$345 million is used to hide the size of the deficit while the rest of the money disappears into what ODOT calls a bureaucratic black hole inside the Beltway.

Mr. Chairman, I urge support and passage of H.R. 842.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman, as manager, is entitled to close debate.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose this proposal. This issue, Mr. Chairman, ultimately comes down to congressional accountability and integrity. If Congress removes the transportation trust funds from the budget and therefore budget scrutiny, it will set forth a dangerous precedent for the other 160 trust funds under Federal jurisdiction. The progress was made in last year's budget for funding the Pell grants, veterans health care and housing improvements for our military families would be at risk if the transportation trust funds were taken off-budget. If we take this action, where are these cuts going to come from?

Appropriations are not Houdini. If you tie our hands and drop us in a pool, do not expect us to get our heads above water.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding me the time.

Mr. Chairman, I often hear the refrain which I agree with that you ought to treat the Federal budget like you do your family budget, your business budget, maybe even your State or county government budget. I happen to believe in that maxim and I believe in another maxim. You ought to get what you pay for. And if you pay a dedicated tax, you ought to get what it is dedicated to. And if you pay 18.4 cents at the gas pump for roads and bridges and maintenance and construction, you ought to get 18.4 cents worth of roads and bridges and construction. So that

is one essential reason that this is such a crucial vote today.

There is another reason. I want to deal with those who say, "If you take this off-budget, then it hurts other areas of the discretionary budget." Well, there is one thing that Republicans and Democrats agree on and that is the need for growth. There is one thing that unfortunately neither the Republican nor Democratic budget has in it, and that is adequate growth. The best I have seen is a 2.5-percent increase every year. The worst is 2.3-percent and neither one is a growth budget. This is growth. The only way you grow is to invest in your country, in your stock, in your physical infrastructure—your roads, your bridges, your water systems, your sewer systems, your airports, your locks and dams. That is how you grow. It has also been documented that building infrastructure also improves productivity, another key to growth. So if you want to grow and we want to make sure that there is adequate money in that budget for all the programs that are so important, you have to support growth. That means you have to support investment. That means you have to support this bill because this does guarantee the investment that is so important.

□ 1400

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, 1½ minutes is not very long. Let me tell you my version of why this is not a good bill.

Mr. Chairman, everybody is for using the gas tax receipts that go into the trust fund for the purpose of highway construction. I am for that. Let me make it very clear. Every cent raised in gas taxes has been spent for highway construction since it was first started in 1956.

Let me tell you my version of what the argument is really about. During the Vietnam war, we transferred some of the highway trust fund money for the war effort. That has now accumulated over the years additional interest, which is technically part of the trust fund. That interest now represents a cash balance of \$19 billion. This is the issue. The authorizing committee would like to now have the authority to spend that additional \$19 billion that has been accumulated in interest.

Let me tell you very briefly why that is not fair. Since 1956, we have spent approximately \$41 billion out of the general fund for road and highway construction. We have spent approximately \$41 billion out of the general fund for the construction of mass transit. We have authorized those amounts. That is why the cash balance has in fact already been spent. There should be a tradeoff. The \$19 billion should not

now be spent to shortchange other spending of the Federal Government and really disrupt our opportunity to balance the budget.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 3 minutes.

Mr. OBERSTAR. Mr. Chairman, we have heard now in the course of this rather lengthy debate from all the bogymen with their scare arguments about unrestrained spending on transportation projects. The face is that there is restraint. It is written into the highway trust fund language, has been since the beginning in 1956, that this fund is antideficit, that it cannot run a deficit. It has not, and it will not.

But in addition to that, there is additional restraint or further restraint from the Office of Management and Budget, which must review and put its stamp of approval on highway funding requests from the Department of Transportation. There is review by the White House. There is review by the Committee on the Budget. There is review by the Committee on Appropriations. And there will continue to be, under this legislation.

The second argument about interest, you just heard a discourse a moment ago from our good friend from Michigan about interest. Would any of the members of the Committee on Appropriations, would any Member of this body argue that the Federal Government should not pay interest to purchasers of U.S. Treasury securities? Should we not have paid interest on war bonds for World War II or World War I? Should we not pay interest to those domestic and foreign interests that buy U.S. Treasury notes, that in fact underwrite our deficit? Should we welch to those who buy U.S. Treasury notes, not pay interest to them?

No, of course not. Nor should we welch on those highway users and aviation users and waterway users whose tax dollars are used to purchase U.S. Treasury securities and on which interest is owed.

That is what we are talking about here, fairness.

Then, finally, from various Members, that old pork-barrel nostrum, tired old argument, dragged out every time they run out of steam on the merits of the issues. The fact is, this is a fairness issue. People agreed to be taxed to build highways and bridges, to build runways at airports, to deepen our waterways and our ports. It was Abraham Lincoln who first said if you do not have a tax to build a waterway, you will never get the revenue out of that waterway to build this Nation, in 1848 as a Member of this body.

This is a basic fairness issue. You agree to be taxed for a benefit to be derived, and that is what this legislation is all about.

GENERAL IMPORTANCE OF TAKING TRANSPORTATION TRUST FUNDS OFF-BUDGET

Trust fund: Dedicated revenue stream—freeing the Transportation Trust Funds from the artificial and unnecessary constraints of the budget process will allow those desperately needed funds to reverse the deterioration of the Nation's infrastructure; and

Improved infrastructure will create jobs and increase the productivity and efficiency of our industries, thereby enhancing the United States position in this fiercely competitive global economy.

DECLINE IN INFRASTRUCTURE INVESTMENT

Infrastructure investment as a percentage of the gross domestic product [GDP] fell from 1.2 percent in 1980 to 0.8 percent in 1995;

Infrastructure spending as a percentage of Federal spending declined over the past 30 years from a high of 6.3 percent in 1965 to 2.8 percent in 1994;

Infrastructure spending from 1981 to 1992 fell by \$12 billion from \$43.9 billion in 1980 to \$31.9 billion by 1992, in constant dollars;

At the same time, our economic competitors have been devoting substantial resources to their long-term investments: Japan is spending \$3 trillion over 10 years to improve its infrastructure; Germany is investing nearly \$2 trillion in infrastructure to fully integrate its eastern states into Europe's most powerful economy; and even Taiwan is proposing to spend more than \$100 billion over 5 years to improve and expand its infrastructure;

Overall, the U.S. ranks 55th in the world in infrastructure spending, based on 1993 statistics; and

Our lack of investment is affecting our Nation's ability to compete—from 1979 to 1989, the United States productivity growth rate was only 35 percent of the average of other industrialized countries.

REAL LIFE CONSEQUENCES OF DECLINE IN INFRASTRUCTURE INVESTMENT

Our failure to develop our transportation infrastructure has had serious, real-life consequences;

Commuters waste 2 billion hours annually sitting in traffic because of freeway delays—costing our economy \$45 billion per year in wasted fuel and lost productivity in our Nation's 50 largest cities alone;

Fifteen locks on the inland waterway system average more than 3 hours of delay per barge ton because of antiquated and outdated locks and dams;

Projected growth will also occur under the budget proposals of the Republican Congress. In fact, that was the case with the budget resolution the Budget Committee brought to the House floor last year;

Taking the Transportation Trust Funds off budget would not add to the deficit; and

In scoring H.R. 842, CBO said, "By itself, taking programs off-budget does not change total spending or revenue estimates for Congressional score keeping purposes."

UNIQUENESS OF TRANSPORTATION TRUST FUNDS

They are wholly self-financed by the user; They have dedicated revenue sources; They are self-supporting, operating on a pay-as-you-go basis;

They are deficit-proof, with expenditures limited to receipts

They invest in infrastructure capital programs; and

They finance long-range construction programs, which benefit from certainty in funding.

TAKING THE TRUST FUNDS OFF-BUDGET DOES NOT MEAN WE WOULD LOSE CONTROL OF SPENDING

Taking the Transportation Trust Funds off-budget also does not alter the current authorization and appropriations process;

According to CBO, "The likelihood and amount of potential increase—in transportation investments—are very uncertain because they depend upon the future actions of both the authorizing and appropriations committees;"

Under H.R. 842, the Secretary of Transportation and the Secretary of the Treasury would review Aviation, Inland Waterways and Harbor Maintenance Fund spending annually and reduce proportionately for any trust fund in which projected revenues would exceed authorizations;

That review is similar to the so-called Byrd amendment in the highway program which insures that the Highway Trust Fund can never operate in a deficit;

All Transportation Trust Fund expenditures would be limited to receipts and subject to authorizations legislated by both Houses and signed into law; and

The Appropriations Committee could still continue to include an annual obligation ceiling on transportation programs to control spending further.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I am completely opposed to this amendment because it is such horrible, horrible policy. It misses the fundamental point of how we raise money, of how we tax and why we tax and what the circumstances are for taxation.

The fact is, why do we tax gas? Sure, there is some connection between the tax that is raised and spending on the roads. But we tax gas because we can tax gas, because we are able to tax gas, the same way that we tax tobacco and alcohol and income and tariffs on goods that come into this country. It fundamentally misses the whole point. Once you go into this kind of a policy, you are running down a slippery slope that makes absolutely no sense whatsoever.

This is just terrible, terrible policy. Do we take all of the money that we tax alcohol and tobacco with and put it into the BATF? I do not think so. Do we take all of the money that we use taxing goods that come into this country under tariffs and use it to fund the customs agency? No.

This notion, and maybe what this means is we should not have had a trust fund in the first place. I will grant you that. But the idea that somehow this is separate and that it ought to be absolutely dedicated only to one thing just completely misses the fundamental model of taxation, the fundamental model of why we do this in the first place. When you understand that, then you understand that this whole bogey about interest and we should be paying interest on this phony

trust fund that does not exist becomes a nonargument completely.

Mr. SABO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I expect, like in all of these debates, certain things are overstated on both sides. But the reality is, again, there is simply no Santa Claus, no little secret pool of money, that someone can spend that does not impact deficits.

Deficits on a year-to-year basis are based on revenue coming in and outlays going out. The reality is, I listened to the advocates of this proposal, and it sounds like there is going to be a lot more money to spend on highways, but it is not going to cost anything. I do not know where the money is coming from.

The reality is that since 1981 we have spent more on highways than the total collected from the gas tax, even adding in that very generous interest allocation to the highway trust fund.

The reality is that in current years, 1994, 1995, we are spending more than what we are getting in gas tax, more than what the trust fund is getting in this very generous interest allocation to the trust fund. So the gas tax is not subsidizing anything else.

The question is whether we should take some of this surplus in this fund, which accumulated in the seventies, peaked in 1979, and start spending that now beyond current revenues, beyond interest, at a point in time we are trying to move to get our Federal budget balance of revenues and outlays in order.

The advocates say now we are going to do it. We are going to give this program priority over everything else, and if this goes up, the balance of funds coming down, something else has to be cut deeper. That is just simply the reality, if you want to hit a deficit target or try to get in balance.

If you do not want to hit a deficit target year by year, or if you do not want to be in balance within 6 or 7 years, or 5 or 8, whatever one has in mind, then you can do this. But if you have a deficit target in mind, this is a dollar-for-dollar trade-off with other priorities.

So I think we make a mistake when we set up these little kingdoms, removed from the normal budget process, that say you can go ahead and do what you like; removed from all the other arguments, the give-and-take of the legislative process, in setting our priorities on a year-to-year basis.

It is not going to be the end of the world, but it is just a foolish step to take at this point in time, so I would hope the House would defeat this bill.

Mr. SMITH of Michigan. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut, Mr. SHAYS, one of the distinguished leaders of the Committee on the Budget.

The CHAIRMAN. The gentleman from Connecticut is recognized for 1½ minutes.

Mr. SHAYS. Mr. Chairman, there are arguments on both sides. It is not so cut and dry that it is so obvious to all of us. But while some call this the Truth in Budgeting Act, and they are right to call it that, there would be some truth in budgeting. I would call it the Unbalanced Budget Act of 1996, or, frankly, the pork barrel bill of 1996, because what it means is we are going to provide \$50 billion more and make it available to people who want to spend on roads and bridges.

There is an opportunity cost. If you spend \$50 billion more here, you have to do something to compensate. Are we going to cut defense? No. Are we going to raise taxes? Out of the question. So what it means is there will be, in my judgment, continued deficits to the tune of \$50 billion.

Mr. Speaker, the Concord Coalition says, "Passage of this legislation would severely jeopardize the chances of balancing the Federal budget and would be detrimental to the budget process."

The National Taxpayers Union says, "Placing these trust funds off budget is nothing less than a ploy to increase spending."

The Citizens Against Government Waste say, "The Truth in Budgeting Act sounds great to the public, but it is simply a ruse to increase the \$5 trillion national debt."

The Americans for Tax Reform say, "American taxpayers want real reform of the budget process and not business as usual. They are depending on you to lead the fight in protecting the American taxpayers from the special interests who are trying to escape the scrutiny of fiscal responsibility."

The Committee for Responsible Federal Budget says, "Proponents of H.R. 842 want to make some spending invisible, pretend that it pays for itself, and thus insulate favored programs from regular review and scrutiny."

Citizens for a Sound Economy say, "Shielding the transportation trusts from fiscal scrutiny and accountability perpetuates pork-barrel spending and works counter to all efforts to reduce the deficit control government standing."

This is happening under our Republican watch? We are going to all this to happen, when we have purported to want to balance the budget by the year 2002.

In my judgment, Mr. Speaker, this is a dead end, and I hope we reject it.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to close debate and is recognized for 7 minutes.

Mr. SHUSTER. Mr. Chairman, many of the speakers today who have expressed their opposition to this legislation have said time-and-time again that if this passes, it would be more difficult to balance the budget.

Let us think about that for a minute. I would suggest that that is a clear, implicit, admission that their inten-

tion is to continue to use these transportation trust funds to mask the size of the deficit.

Now, nobody has had the courage really to stand up and say that directly, to say, yes, we want to use these transportation trust funds to mask the size of the general fund deficit, but that is the only logical inference one can draw. That is implicit in their statement. They apparently think it is right. Many think it is wrong. Some 224 Members of this body, a majority, have cosponsored this legislation.

My good friend talked about Republicans. Republicans historically in the past have voted, over 60 percent of Republicans, in favor of taking these transportation trust funds off budget, because they see this not only as a financial issue, but as an issue of honesty in government.

Indeed, many of us believe that it is wrong to tell the American people we are going to take your gas tax or we are going to take your airplane ticket tax, promise you we are going to use it for transportation improvements, and then instead not spend the money and use it to mask the size of the general fund deficit.

My good friend from Ohio said there is no difference between these trust fund taxes, these user taxes, and general taxes. He is certainly entitled to his point of view. However, that is not really what we are debating today.

Over the years this Congress has said the trust funds are different. Why would we call them trust funds if they were not any different? They are different because, in our case here today, these user fees are paid for and a promise is made they will be spent for the purpose intended.

Facts are stubborn things, and we have heard an awful lot of rhetoric and even a little bit of myth here today.

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We have heard, quote, more money has come in to the trust fund than has gone out. That is interesting. Is there or is there not a \$30 billion balance in the trust fund? Does anybody dispute it? Right there on the chart are the balances from the Treasury Department. Does anybody here dispute there is a \$30 billion balance in the transportation trust funds? Well, I think not, because that is a fact. Facts are stubborn things.

We have heard that if this passes we will have a blank check for spending. We have heard that spending will be uncontrolled. We have heard this is a Santa Claus. Well, I would suggest that Pinocchio is a more accurate comparison, because this Government has played Pinocchio, lying to the American people and saying that if they pay their gas tax that we will spend it in transportation; pay your aviation ticket tax and we will spend it, and then we have not spent it. A \$30 billion balance.

Indeed, we have also heard that the line item veto will not apply here. Well, we have said and I have said in the debate very clearly that the line item veto does apply. However, there seems to be some dispute over that, so I will offer an amendment to make it very clear that the line-item veto does apply. So this is unprotected? Unprotected with a line item veto?

But that is not all, Mr. Chairman. Does anybody dispute the fact that if this passes the Committee on Appropriations still has the jurisdiction and the authority to set the obligational ceiling? I have heard nobody disagree with that. I would expect nobody would because it is a fact. Facts are stubborn things, and the fact is if this passes, the Committee on Appropriations will continue to have the authority to set the ceiling on what can be spent each year.

We have even heard this referred to as an entitlement. Well, facts are stubborn things. It is not an entitlement. That is a fact. This is subject to annual control. The annual control of the Committee on Appropriations, the annual control of the President in his line-item veto.

So, indeed, facts are stubborn things, and there are substantial controls, perhaps the most important of which is, under the law you cannot spend a penny out of these trust funds unless the money is there to pay the bills. This program, these transportation programs are deficit proof.

Oh, if we only had other programs like this that would be deficit proof, then, indeed, we would not have the massive deficit that we have.

We have also heard that the interest technically, technically, is being counted here. Well, I guess it is a small technicality. It is called the law of the land, which says if an individual buys a Government bond they get interest on it. And so the Treasury Department, under the law, must pay that interest.

Indeed, the Social Security trust fund, in its reserves, nearly 50 percent of the reserves in the Social Security trust fund is based on interest. Are we going to tell the American people, aha, we are not really going to count the interest in the Social Security trust fund. Of course not. And let us be equally fair here. Obviously, under the law, the interest must be counted.

We have heard about the so-called special interests that support this. Well, I guess there are 260 million special interests called the American people who will benefit from better highways and better airports, but there are some other special interests. The National Federation of Independent Businesses, the Small Business Legislative Council, the American Farm Bureau, the National Grange, the Air Traffic Controllers, who care about safety. And we all better care about safety and spend some more money to make our

air traffic control system safe. Women First. On and on the list goes.

But let me share with you some other so-called special interests. The National Association of Counties across America. Is that a special interest? The National Conference of State Legislatures. Is that a special interest? The National League of Cities, where our people live in urban areas. Is that a special interest? No. Many, many, many Americans strongly support this because we need fairness, we need honesty in budgeting and we need to live up to our promises to the American people.

And let me also emphasize in closing that while we have heard the argument that about the other trust funds, the transportation trust funds are the only trust funds that are totally user financed, that are deficit proof, that are not entitlements but annually controlled. These are, indeed, different, and for that reason we should vigorously support this legislation.

Mr. CRAMER. Mr. Chairman, I rise in support of the Truth in Budgeting Act of 1996 and in opposition to Mr. MINGE's amendment ending off-budget status of the trust fund if there is funding for transportation projects from general revenue.

Initially, the creation of the transportation trust funds assured our state and local governments a steady, dependable stream of Federal assistance necessary in undertaking long-term projects. Those who benefited from the transportation programs paid for the program.

Today, inclusion of these trust funds in the unified Federal budget has resulted in enormous surpluses—moneys which are desperately needed for improvements to our Nation's transportation systems.

Specifically, I must oppose Mr. MINGE's amendment. It provides off-budget status would cease if any general funds are spent on the construction, rehabilitation, and maintenance of highways or grants-in-aid for airports or for aviation-related facilities, equipment, and research engineering.

This amendment is too broad as it would cover any highway or aviation general-fund spending. For example, if a law coming from a committee, or a report accompanying a law coming from a committee provides general funds for any highway or aviation program, the off-budget status of the transportation trust funds would end.

On the issue of general funds, let me give a few examples: if there were general funds appropriated through EDA or DOD that could be used for highway purposes, then under the amendment the trust funds would no longer be off-budget. Even if there were general funds appropriated for highway or aviation research and development that too would put the trust fund back on-budget.

Mr. Chairman, anyone who supports H.R. 842 should oppose this amendment.

Mrs. KELLY. Mr. Chairman, I rise in strong support of H.R. 842, legislation which will restore honesty and integrity in the manner in which we utilize the transportation trust funds.

H.R. 842 will remove the four transportation trust funds—the highway trust fund, the airport

and airway trust fund, the inland waterways trust fund, and the harbor maintenance trust fund—from the totals of the budget submitted by the President and the congressional budget.

In other words, the bill takes these trust funds off budget and puts a stop to the time-worn practice of using them to mask the size of the deficit.

The legislation should be adopted for a number of reasons, Mr. Chairman. Investment in infrastructure means jobs for American companies and American workers. Improved infrastructure also translates into a more productive economy, and boosts our competitiveness in the world market.

The most important reason to pass H.R. 842, however, is trust. Every time a motorist fills up at the gas pump, they do so with the understanding that the Federal gas taxes they are paying will be invested in new and improved roads, bridges, transit systems, and other needed infrastructure improvements. By failing to use these moneys for their intended purpose we are, in effect, violating that trust.

This failure to live up to the public trust comes at a price, as well. It is estimated that New York has lost nearly \$390 million between the years of 1992 and 1996 due to the failure to fully fund the program at authorized levels.

Let's keep our promise to the American people, Mr. Chairman, and use the trust fund moneys for the purpose for which they were intended—developing and improving the Nation's roadways, airways, and waterways.

Mr. DOYLE. Mr. Chairman, as a cosponsor of H.R. 842, the Truth in Budgeting Act, I rise today to urge my colleagues to view this legislation not solely as a transportation issue, but as an issue on tax fairness.

The Truth in Budgeting Act would move our Federal transportation trust funds off budget, separate from the Federal unified budget. Currently, with these funds "on-budget" the surpluses are used to mask a portion of our true budget deficit which prevents these funds from being used in the manner they were intended. During this time of severe budgetary pressure, it is critical for State and local governments to receive general funding support, and should benefit equitably from the transportation taxes—user fees they send to Washington to be used for transportation purposes.

As I have the privilege to represent the 18th Congressional District of Pennsylvania, I can most assuredly tell you that my constituents are concerned about funding for vital transportation projects in the southwestern part of our State. Many of you are probably familiar with the equipment problems the towers at the Pittsburgh International Airport have been experiencing. Along with the FAA Revitalization Act, H.R. 2276, this bill will help to ensure that such incidents of grave public and transportation safety will receive the urgent response they demand.

The Truth in Budgeting Act would also enhance our community's abilities to plan important infrastructure investments and complete transportation projects. A community's mobility is a measure of its quality of life and the competitiveness of its economy. The efficient, cost effective movement of people and goods is vital for individuals and for the businesses that

contribute and bolster our Nation's economy. The decline of the industrial corridor of southwestern Pennsylvania in the 1980's has been well documented. The loss of employment opportunities effected nearly one-half million people from the Mon Valley. A decade later, there remains a significant amount of work to be done to combat this economic devastation.

The Mon Valley Expressway would for the first time provide this region physical and economic access to Pittsburgh. I am confident that the Mon Valley Expressway will prove to be as much of an infrastructure and economic success as I-279, and the East and West Parkways. We cannot afford to not complete economically rejuvenating projects such as the Mon Valley Expressway.

As an advocate of capital budgeting and economic development, I urge my colleagues to support H.R. 842, the Truth in Budgeting Act.

Mr. EWING. Mr. Chairman, I rise today in support of H.R. 842, the Truth in Budgeting Act. Strong and persuasive arguments have been presented on both sides of the transportation trust funds off budget issue. However, I believe the overriding issue is that the American public should receive \$1 worth of value for every dollar of dedicated user taxes for transportation improvements collected by the Federal Government and that such funds should not be used to mask the size of the Federal deficit. This is not a debate about balancing the budget, it is a debate about honesty in government! If all of the specific transportation user taxes are not going to be used for transportation improvements, then the amount of user taxes collected for the trust funds should be reduced.

Let's be clear about the debate today. The Budget and Appropriations Committees object to moving the dedicated transportation trust funds off budget because they will lose the ability to apply the unexpended balances in the trust funds back against other total discretionary spending levels in the budget—thereby keeping spending in other budget functions under the legal spending caps. They argue that removing the trust funds from the unified budget will result in more pork barrel spending, drastic cuts in other discretionary programs, and make it impossible to balance the budget.

The truth is most of the funds paid out of the transportation trust funds are disbursed to States through established formulas. The Appropriations Committee can always choose not to fund pork barrel highway demonstration projects. The president will have line-item veto authority starting in 1997. Appropriators and budgeteers are playing shell games when they apply paper excesses in one government account back against real borrowing for real deficit spending in other areas of the budget. Finally, collecting taxes for a dedicated purpose, and then using the taxes to support other unrelated spending is dishonest and not fiscally responsible, and it is certainly not the right way to balance the budget!

Testimony before the Transportation and Infrastructure Committee, from all segments of the transportation community, leave no doubt that the demands upon our Nation's existing transportation infrastructure are going to increase significantly over the next decade.

Since our Nation's transportation infrastructure is already underfunded, it stands to reason that this disparity will only continue to grow under the current arrangement. This situation is particularly damaging to States like Illinois, which pays more in taxes than it receives in benefits. When the total appropriated amount is reduced it is donor States, like Illinois, Michigan, New York, and California that are hurt the most, because they must wait until other States are paid their guaranteed allotments before their greater needs are funded. Placing the transportation trust funds off budget is the best way to correct this funding disparity, and why not? The taxpayers of these donor States are already paying for it!

In closing, I want to urge my colleagues to accept the premise, if Congress is going to mandate dedicated transportation user taxes, then Congress has a responsibility to ensure the public that these taxes are being used for their intended purpose—not to hide other deficit spending. The condition of our Nation's transportation infrastructure is critical to our Nation's economic health, let's protect the transportation trust funds. Vote aye on H.R. 842.

Mr. EVANS. Mr. Chairman. I rise today in support of H.R. 842, the Truth in Budgeting Act which would restore our Nation's transportation trust funds to their original purpose of serving the people. This bill would also restore the trust of the American taxpayer who has contributed billions of dollars in taxes and user fees to maintain this country's transportation infrastructure.

We have certainly abused this trust by allowing our Nation's roads, trains, airways, and waterways to deteriorate. Our transportation infrastructure is in desperate need of the money that will be freed by removing the trust fund off budget. According to a recent Department of Transportation report, approximately 30 percent of the interstate pavement on our highways is in poor condition. In fact, there are about \$360 billion in unmet highway and bridge needs in this country.

Because of fiscal constraints, the Centennial Bridge in Rock Island County, IL, has fallen into severe disrepair. However, if these trust fund dollars are released for the purposes intended, the bridge authority will be able to make infrastructural improvements needed to keep this major crossing of the Mississippi River safe and viable for years to come.

I also share the outrage of many of my constituents about last year's drastic cuts in transit funding. Hard-working Americans have paid their fair share to help maintain healthy mass transit systems. Mass transit is the lifeblood of our cities and our suburban and rural communities. It provides a way to work for millions of middle- and low-income Americans. We cannot continue to jeopardize their livelihoods by using these transit dollars for other unintended purposes.

We cannot continue to use the billions of dollars accrued in the transportation trust funds used to mask the true size of the deficit at the expense of deteriorating roads, bridges, and tunnels, and failing bus terminals and airports. The American people have suffered long enough. The time has come to allow these funds to rejuvenate our decaying infrastructure. We need to maintain a safe, effi-

cient, and cost effective transportation infrastructure.

This vote presents us the opportunity to meet critical highway and transit needs with honesty and accountability. I urge my colleagues to restore the faith the American people have given us by supporting this Truth in Budgeting Act.

Mr. EMERSON. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act, because it does just that: it requires Congress to be truthful with the American people about where their money is going. We have made reducing the Federal deficit a major theme of this Congress, and yet some want to continue to use the transportation trust fund to hide the true size of the deficit. Ladies and gentlemen, that is smoke and mirrors, plain and simple. We must be consistent with our approach to tackling this country's fiscal problems. We cannot simultaneously talk about cutting the deficit and eliminating unneeded programs and yet continue to engage in a policy that does not honestly address the true size and nature of our deficit. This Congress needs to be truthful with the American people.

Mr. Speaker, we have been persistent and determined in our attempts to balance the budget because we know that our current spending patterns are taking away from future generations. The same issue applies here. Money set aside for the transportation trust fund should be used for transportation and infrastructure projects that will benefit our children and grandchildren. This money should not be subject to the political whims of the day because it is, quite literally, an investment in this Nation's future. By taking this fund off-budget we are ensuring that the money necessary to maintain and expand our current national transportation system will be available as this country moves into the 21st century. My home State of Missouri continues to fall behind in its infrastructure needs. It is imperative that as Missouri and other States expand their markets abroad and increase their exports that we maintain our vast network of highways, railways, ports, and airports.

Experts from around the country have told us that investment in our transportation system is a key ingredient to America's competitiveness and economic vitality in the next century. However, the 1995 budget resolution reduces transportation spending by 20 percent by the year 2002, precisely the time when our Nation will be in need of major infrastructure repairs. In fact, the Department of Transportation estimates that this country needs to invest an average of \$74 billion annually over the next 20 years on transportation projects—that is double what was spent in 1994! Whether or not everyone agrees with these figures, the facts are obvious enough: the United States needs serious investment in our transportation system in the coming decades, and an off-budget trust fund ensures that we have the money that is necessary.

Mr. Speaker, this trust fund is made up entirely from user fees. It is very obvious that those fees should go to pay for infrastructure repairs and nothing else. That is what a user fee is for—to maintain and expand the services that require the fee. To spend it on anything other than what it is intended for is bad

policy and downright dishonest, and I reject the notion that we can just take this money and use it as general revenue.

Mr. Speaker, for the safety of our children and to promote the economic growth of our country, we must ensure that the Nation's infrastructure and transportation system is not allowed to decay and collapse. That is why I urge my colleagues to be truthful with the American people and support the Truth in Budgeting Act.

Mr. COSTELLO. Mr. Chairman, I want to express my strong support for the bill, H.R. 842. As a cosponsor of this important legislation, I believe taking the self-financed trust funds off budget is not only appropriate but necessary.

Currently, the accumulated cash balanced of the highway trust fund, the airport and airways trust fund, the harbor maintenance trust fund and the inland waterways trust fund exceeds \$30 billion and will reach as high as \$77 billion by the year 2002. When these trust funds were credited, the users who contributed to the funds believed their taxes would go toward necessary improvements and maintenance of the Nation's transportation system. Because of the direct connection between the tax imposed and the benefit derived from improvements in transportation infrastructure, taxpayers strongly support the payment of transportation user fees. This support will not continue to exist if the trust funds continue to be used to make the Federal deficit appear smaller.

Taking the transportation trust funds off budget will restore faith with the taxpayers. But this issue is not only about tax fairness, it's also about jobs and economic productivity. Every dollar spent in highway, transit and aviation construction improves a nationwide system upon which the people and commerce of the United States depend. Our transportation system continues to be our Government's best investment. Since the 1950's, as much as 25 percent of America's productivity growth can be credited to infrastructure improvements. For example, recent Department of Transportation studies show that every \$1 billion invested in highway construction and enhancements yields 42,000 good high-wage jobs.

These are among the reasons why I am supporting H.R. 842 and why I will work for passage of this important legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act. This legislation is critical to the viability of the Nation's highway program and to ensuring tax fairness.

The transportation trust funds were created with a special obligation between Congress and transportation users—that these user fees would be used to construct, rebuild and maintain our Nation's transportation infrastructure. Currently highway users contribute over \$5 billion annually toward deficit reduction. Further reductions in spending from this program will increase trust fund balances and ignore the commitments made to taxpayers.

Mr. Chairman, while budgetary manipulation restrains investment, America's transportation needs continue to grow. The Department of Transportation recently reported that just to maintain current conditions would require an

annual investment of \$44.8 billion for highways, \$5.1 billion for bridges and \$7.3 billion for transit systems. Actual 1993 outlays for these purposes were \$34.8 billion by all levels of government. Airport needs alone are estimated at \$10 billion annually. It is argued that transportation should make a contribution to reducing the deficit. The truth is, that since 1990 transportation users already have contributed more than \$30 billion to deficit reduction through diversion of part of the Federal motor fuels tax to the general fund. Both congressional and administration budget plans would result in transportation spending reductions and increases in trust fund balances to offset the deficit.

Mr. Chairman, concerns have been expressed about the impact on the deficit and other programs of taking the transportation trust funds off budget. These concerns are unfounded. Removal of the trust funds from the unified budget itself will not increase the deficit, will not mandate cuts in other programs, will not restrict the Appropriations Committee's ability to set transportation spending levels. In a written cost estimate the Congressional Budget Office has ruled that taking the trust funds off budget would not result in any change to the deficit. Mr. Chairman, by passing this bill, Congress will retain its pivotal role in setting spending and policy priorities in transportation.

Mr. Chairman, it is necessary only to drive to work these days to be reminded that America's transportation infrastructure needs some heavy duty work. The winter's lingering potholes and the traffic jams are only part of the evidence that not enough is being done to improve the Nation's mobility. It is time to make the situation right and surely not allowing more and more deterioration. But making it right means allowing the balances in the trust funds to be spent down in a responsible manner. It means helping to meet the billions of dollars in unmet needs on highways, bridges, transit systems and airports.

Mr. Chairman, without this legislation it is likely that the balances in the trust funds will continue to increase and there will be fewer resources available for the Nation's transportation infrastructure. The transportation trust funds must be removed from the unified budget so that we can keep our commitments to the highway users and to future generations. I urge my colleagues to support H.R. 842 the Truth in Budgeting Act.

I yield back the balance of my time.

Mr. RAMSTAD. Mr. Chairman, I rise today in opposition to H.R. 842, which would take the transportation trust funds off-budget, thereby giving them special status so the rules that apply to almost all other portions of the budget would not apply.

I certainly appreciate the important role the Federal Government plays in maintaining Federal highways and helping States to build and repair State and local roads, highways, bridges and mass transit projects. I also understand the concerns of States whose citizens contribute more in taxes to the trust funds than they receive back in transportation assistance from the Federal Government.

While at one time I supported this proposal, I now believe that taking the trust funds off-budget is not the most responsible or appro-

priate solution to the transportation funding problem. I also believe it would cause a budgetary nightmare that would make our efforts to balance the Federal budget—already a Herculean task that we have yet to complete—virtually impossible.

Rather than having some States receive less than their fair share back from the highway trust fund, we should reform the structure by which the Federal Government collects taxes and returns money back to the States for transportation projects. If a State were allowed to keep the money, it would be better able to plan and execute highway construction and upkeep.

The main problem with H.R. 842 is the impact it would have on our efforts to balance the Federal budget. Balancing the budget must be our highest priority. The Congressional Budget Office [CBO] has estimated that taking the trust funds off-budget would increase the Federal budget deficit by more than \$20 billion over the next 5 years. That means we would need to find an additional \$20 billion in order to balance the budget. Where would the \$20 billion in cuts come from? Education? Environmental protection? Medical research?

The Federal Government has spent \$6 billion more on transportation projects than it has collected in gas taxes since the creation of the highway trust fund in 1957. The \$19 billion surplus everyone talks does not exist in any form other than an accounting entry at the Department of the Treasury.

Because of my overriding concern about the impact this legislation would have on our efforts to balance the Federal budget, I must vote against this bill.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act, which would take the Federal transportation trust funds off-budget. I want to commend the chairman of the Transportation and Infrastructure Committee, BUD SHUSTER, and the distinguished ranking member of the committee, JIM OBERSTAR, for their perseverance in getting this important legislation to the House floor.

H.R. 842 takes the highway, aviation, inland waterways, and harbor maintenance trust funds off budget. As one of the bill's original cosponsors I urge all of my colleagues to look past the "sky is falling" rhetoric of some of its opponents and support the bill.

The four transportation trust funds have proven to be an effective way to raise the necessary revenue to pay for many of the varied transportation needs of the country. Unfortunately, the vast revenues generated by the trust funds have been used to mask the true size of the Federal deficit.

Some have argued today—and they've bolstered their arguments with testimonials from some of the Nation's leading economic experts, the same experts, by the way, who brought us NAFTA and GATT, that the transportation trust funds should make a contribution to reducing the deficit. The fact is, since 1990 transportation users already have contributed more than \$30 billion to deficit reduction through the diversion of part of the Federal motor fuels tax to the general fund.

There is a huge surplus in the trust funds—surpluses that are projected to grow by leaps

and bounds in the years ahead. Under the President's most recent budget plan, the highway trust fund alone would make the third largest contribution to deficit reduction—only Medicare and Medicaid would be cut more.

Let's put this in perspective. According to the Alliance for Truth in Transportation Budgeting, from fiscal years 1996 to 2002, the balances in the highway trust fund will almost triple from \$21 billion to \$60 billion—an increase of \$39 billion. The \$39 billion increase will be used on spending in the rest of the Government—these are funds that are supposed to be used only for transportation purposes. There is no justification to collect transportation user fees for the purpose of hiding Government spending in other areas.

This is what today's debate is all about. Are we going to continue diverting the bulk of the balances in the transportation trust funds to shield the true size of the Federal budget deficit, or are we going to spend the revenues generated by the trust funds on their intended purpose? If we don't pass this bill, then we should be honest with the American people and do away with the trust funds and simply call the transportation user fees what they really are: taxes.

The current transportation and infrastructure needs of the country are indeed staggering. The U.S. Department of Transportation estimates the backlog of needs for our Nation's highways and bridges totals \$315 billion. Airport investment needs are estimated at \$10 billion a year, while it will cost an estimated \$8 billion a year simply to maintain the Nation's transit systems.

Even if we spent all of the money generated every year by the transportation trust funds we would not be able to meet all of this Nation's transportation needs.

And H.R. 842 would not result in all of the money in the trust funds being spent every year. Under H.R. 842, spending from the trust funds would still have to go through the normal appropriations process. Congress would still have a final say on how much is spent on transportation.

But H.R. 842 will preserve the fiscal integrity of the trust funds by ensuring that the revenue is spent on transportation projects and not used to mask the size of the federal deficit.

Would H.R. 842 result in more Federal spending on transportation projects? Yes it would, and I say bravo. Keep in mind that this spending is not deficit spending—it is spending that will already have been paid for through the transportation user fees. H.R. 842 will ensure, for the first time, that these user fees are exactly that and not simply another tax that goes in the black hole known as the general fund.

One final note. If any of you are concerned that H.R. 842 will put a squeeze on other needed Federal programs, let me remind Members of two key points:

First, transportation spending would still have to be approved by the Appropriations Committee; and

Second, 42,000 jobs are created in America for every \$1 billion invested in Federal transportation projects.

The bottom line is, Congress will never balance the Federal budget unless the American economy continues to grow. Unless the Congress takes action now to make the needed

investments in our Nation's infrastructure, our economy will wilt on the vine, we will continue to lose jobs, and America will cease to be the economic leader of the world.

Vote "yes" on H.R. 842.

Ms. BROWN of Florida. Mr. Chairman, I want to thank the entire leadership of the Transportation and Infrastructure Committee for being so diligent in bringing the issue of investment in our Nation's infrastructure to the attention of the American people. You should be commended for all of your efforts in getting this bill to the floor for a vote, despite the strong opposition of H.R. 842 by powerful Members of the House.

As a cosponsor of H.R. 842, the Truth in Budgeting Act, I believe that moving the trust funds off budget is vital to ensuring that we will be able to meet the vast infrastructure needs of our Nation's transportation systems, provide adequate funding for the National Highway System, and ensure that ISTEA is fully funded.

The current, documented, unmet transportation infrastructure needs of our Nation are enormous. Those needs are \$212 billion to fix 265,000 miles of highways which are below acceptable engineering standards; \$78 billion to fix 238,000 bridges which are rated as structurally deficient; and \$80 billion in public wastewater treatment facility needs.

I represent Florida's Third Congressional District which includes four interstate highways, two international airports, eight regional or commuter airports, a major seaport, and a river used extensively for intrastate commerce.

Every year, I assist these Florida transportation facilities in getting Federal dollars. But there is never enough money to meet all of their needs. I would like to enter into the RECORD a letter that I just received from the FAA talking about severely limited AIP funds and denying a funding request from the Gainesville Regional Airport. The city of Gainesville's airport is not the only airport affected by the AIP funding situation. Of the Nation's top 100 airports, 23 are incredibly congested, and would use additional funds for expansion purposes.

We would be able to address some of these transportation needs if the transportation trust funds are moved off budget. The four transportation trust funds, highway trust fund, aviation trust fund, inland waterways trust fund, and the harbor maintenance trust fund are unique in that they are wholly user financed, invest in transportation infrastructure, and are deficit proof. Taking highway trust funds off budget frees up \$1.1 billion for ISTEA spending.

I urge all of my colleagues to support this good bill which will ensure that taxes paid by the American people for more roads, expanded transit systems, safer bridges, updated equipment for our air traffic control centers, adequate number of Coast Guard stations, and for many other transportation purposes are used for those purposes.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
WASHINGTON, DC

Washington, DC, April 5, 1996.

HON. CORRINE BROWN,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BROWN: Administrator Hinson has asked me to respond to

your letter supporting a request for Airport Improvement Program (AIP) funding to reimburse the city of Gainesville for expenses involved in acquiring property through inverse condemnation.

The city of Gainesville's request for fiscal year (FY) 1996 noise discretionary funds was considered carefully. Because of severely limited AIP funds, including those funds designated for noise compatibility and planning, we rely strongly on our priority-rating system to select projects for funding. This rating system considers the type of work and the activity level of the airport when assigning the priorities. Unfortunately, based on its priority, we do not have sufficient funding to approve a grant for Gainesville's noise project at this time.

I assure you that the Federal Aviation Administration (FAA) will continue to work with the city to provide reimbursement for the land acquisition already completed. Toward that end, we will retain the city's grant application on file for future consideration as funds become available. We are hopeful that reauthorization of the AIP beyond FY 1996 will provide adequate funding and allow us to carry out these intentions.

The FAA continues to support the Gainesville Regional Airport through AIP entitlement funds. A current year project has been approved totaling \$1.66 million in Federal funds to continue the expansion and renovation of the terminal building.

If we can be of further assistance, please contact Mr. A. Bradley Mims, Assistant Administrator for Government and Industry Affairs, at 202-267-3277.

Sincerely,

JAMES H. WASHINGTON,

Acting Associate Administrator for Airports.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 842 and urge my colleagues to reject this legislation. While I understand and support the need for significant investments in our Nation's transportation infrastructure, I do not think that Congress should be unfairly protecting transportation spending from the current fiscal realities we face. The plain fact is that, if we pass this bill and take the transportation trust funds off-budget, we will be forced to cut remaining domestic discretionary on-budget programs deeply to make up the difference.

Sure, highways, airports, bridges, and roads are critical to the long-term economic strength of the Nation. But are they more important than say, education, health care, or the environment?

The present unified Federal budgeting system includes all Federal spending, revenues, and borrowing within its totals, exempting only Social Security and the Postal Service from its calculations. This system, although not flawless, provides us with the clearest picture currently available regarding the impact of the Federal budget on the economy, and allows us to objectively prioritize and weigh Federal spending needs.

Even Federal Reserve Chairman Alan Greenspan has been vocal in his opposition to moving the transportation trust funds off-budget. He has said such an action "would lead to fragmentation in the budgeting process" and would "weaken the ability of Congress to prioritize and control spending effectively."

If we take transportation trust funds off-budget, who next in Washington will be seeking similar relief? What interest groups will be flooding the hall of Congress seeking similar

preferential treatment for their targeted trust fund dollars? One-third of total on-budget Federal spending is in trust fund programs, 160 programs across the board. Should these other programs also be taken off-budget, we would have total chaos in our Federal budgeting process and a completely disjointed view of the government's financial state.

The Office of Management and Budget has also weighed in on this issue, emphasizing that H.R. 842 would result in not only \$20 billion in additional transportation spending over the next 5 years, but also offsetting cuts in other programs above and beyond this amount due to the lowering of discretionary spending caps by law to reflect the off-budget status of the transportation trust funds. This is inequitable and surely no way to tackle the tough budgeting choices we in this esteemed body were sent to Washington to make.

Finally let me say that the argument used by proponents of this bill that the Federal Government is somehow misusing highway tax dollars to hide the true size of the deficit and fool the American public is unfounded. In fact, since it was created 40 years ago, the highway trust fund has given more money back to the States than has been paid into the fund through tax revenues. In addition, since 1980, the Federal Government has actually spent about \$14 billion more on highway trust fund initiatives than it has collected in taxes.

Again, Mr. Chairman, we need to make tough choices in Congress regarding our spending and investment policies. H.R. 842 exempts transportation from these tough choices. As the old saying goes, you can't have your cake and eat it too. I urge my colleagues to oppose this legislation.

Mr. TORKILDSEN. Mr. Chairman, I rise in opposition to H.R. 842, a bill to move transportation trust funds off budget. This change would increase the deficit and stymie future efforts to balance the budget.

This bill is the equivalent of telling someone to learn how to swim while they're drowning. Moving the trust funds off budget will make sense when Congress has its fiscal house in order, but it should not be implemented when the Federal Government is drowning in a sea of red ink.

Furthermore, the Congressional Budget Office estimates that exempting the transportation trust funds from spending cuts could increase the deficit by over \$20 billion over 5 years.

Our goal of balancing the budget must come before attempts to restructure the budget. I am not opposed to moving trust funds off budget, in principle, but we must balance the budget first.

Mr. Chairman, I urge my colleagues to defeat this bill and ensure that our efforts to balance the budget stay on course.

Mr. HOSTETTLER. Mr. Chairman, today we are having a very controversial debate about where the truth in budgeting transportation funds really lies. I rise today in support of H.R. 842, The Truth in Budgeting Act.

Every time you or I pull into a gas station and fill up our cars or pay a tax on an airline ticket, we are sending money to Washington to build new highways and maintain our current transportation systems. Decades ago, these transportation trust funds were established to collect taxes from transportation

users and invest in transportation capital. Today, we find the transportation trust fund balance at \$30 billion. The existence of this on-budget trust fund surplus only reinforces the public's belief that they are not getting an honest return for the taxes they pay to Washington. This issue is about tax fairness.

Spending and investment in necessary transportation improvements has been held down to keep the balance of the trust fund artificially high in order to mask the true size of the deficit, this is just not honest. Those who pay into the trust fund should be able to count on those dollars going toward the purpose for which they were intended.

H.R. 842 does not add to the deficit. According to a March 20, 1996 estimate from the Congressional Budget Office, taking programs off budget does not change total spending of the Federal Government and does not affect spending or revenue estimates for congressional scorekeeping purposes.

H.R. 842 does not alter the transportation spending process. Congress will still have to approve every new dollar of trust fund spending.

H.R. 842, however, does assure this: When a taxpayer back home pays gasoline or airline ticket tax to the Federal Government, he knows it is going towards building or improving our national transportation system.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Budgeting Act".

The CHAIRMAN. Are there any amendments to section 1?

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SHAYS. Mr. Chairman, reserving the right to object, I request to know why we would be doing it this way. There are only five sections.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, for the convenience of the Members.

Mr. SHAYS. Mr. Chairman, I would be willing to consider the gentleman's request in the future, but until we consult, I do object.

The CHAIRMAN. Objection is heard. Are there amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. BUDGETARY TREATMENT OF HIGHWAY TRUST FUND, AIRPORT AND AIRWAY TRUST FUND, INLAND WATERWAYS TRUST FUND, AND HARBOR MAINTENANCE TRUST FUND.

Notwithstanding any other provision of law, the receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit for surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

The CHAIRMAN. Are there amendments to section 2?

AMENDMENT OFFERED BY MR. SHUSTER.

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 3, line 10, insert "except the Line Item Veto Act of 1996" before the comma.

Mr. SHUSTER. During the debate on the rule, Mr. Chairman, some concern was expressed as to whether the Line-Item Veto Act would apply to trust fund spending if this bill passes. We believe it will, and it certainly is our intent that it apply. However, because this question has been raised, I want to make it crystal clear that this is one more of the protections that exist in this legislation and, indeed, this amendment clarifies it, and I offer it on behalf of myself and the gentleman from Florida [Mr. GOSS], to clarify the fact that the line-item veto does apply. This amendment removes any ambiguity.

Mr. ORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, before stating opposition to the amendment, I would like to inquire about some further explanation of the amendment, and I may not actually oppose the amendment. I have not had an opportunity to see the wording of the amendment.

My inquiry to the chairman would be if it is the intent of this amendment to apply the line-item veto provisions as signed by the President to all expenditures of the trust fund, which would include contract authority as well?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the answer is yes, just as it applies to anything else.

Mr. ORTON. And so, then, contract authority spending by the Committee on Transportation and Infrastructure would be subject to line-item veto?

Mr. SHUSTER. Mr. Chairman, if the gentleman will continue to yield, that is the way it is today and that is the way it would be under our legislation. The answer is yes.

Mr. ORTON. Only above baseline.

Mr. SHUSTER. It applies just the way the bill currently applies.

Mr. ORTON. Well, Mr. Chairman, that is my concern, because as the gentleman will recall, during the debate of the line-item veto bill I rose to propose an amendment to the line-item veto bill, to apply the line-item veto to contract authority as well. The proponent of the amendment rose and vehemently opposed my amendment. My amendment failed.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that the conference report includes all discretionary spending, including contract authority and, therefore, this would apply.

Mr. ORTON. Mr. Chairman, I am happy to hear the gentleman's interpretation of that. That, I think, clarifies, and if, in fact, that is an accurate interpretation, that this would apply to all spending from the trust fund, including all contract authority, not just an amount above the baseline.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that it applies the same way the existing law applies today. The gentleman's amendment offered some months ago failed in this body.

Mr. ORTON. But, Mr. Chairman, I would ask if it is the gentleman's interpretation that all contract authority would—

Mr. SHUSTER. No, Mr. Chairman, it is my interpretation that this applies just exactly the way the law applies today.

Mr. ORTON. In other words, Mr. Chairman, the gentleman is saying that this does not apply to contract authority spending.

Mr. SHUSTER. Yes, it does apply to contract authority in the same way that is applied under the current law.

Mr. ORTON. Mr. Chairman, there is a question whether the current law does apply to contract authority, which is the issue I am raising, and that is why I wish for the chairman to be on record.

Mr. SHUSTER. Mr. Chairman, I am told by our counsel it does apply to contract authority.

Mr. ORTON. That is the point I wish to make. And if, in fact, as the gentleman has indicated, Mr. Chairman, that the line-item veto would, not only under current law but under his amendment, apply line-item veto to all contract authority, then I would favor the amendment and urge its adoption.

Mr. SHUSTER. No, not at all, Mr. Chairman. I would say to my friend

that it applies to contract authority in the same way that the current law applies to contract authority, which, indeed, is above the baseline.

Mr. ORTON. Mr. Chairman, may I ask the gentleman to amend his amendment to expand it so that, in fact, it would apply to all contract authority?

Mr. SHUSTER. No, I would not because we have offered this to have it apply exactly as the current law applies.

Mr. ORTON. Then, in fact, Mr. Chairman, I take back the balance of my time and I would simply make the point that if the gentleman is not willing to expand his amendment to make it absolutely clear that the line-item veto applies to all contract authority spending by the committee, then, in fact, the argument that was raised during the debate on the rule is, in fact, applicable.

Because there is a concern that there may be spending that is not covered by line-item veto; that, in fact, that spending may continue to be simply pork barrel spending; it may continue to be authorized under this legislation, so that a committee of Congress can directly authorize contract expenditures, which neither come within the fiscal restraints of the budget act nor comes within the fiscal restraints of the line-item veto, thereby completely avoiding and evading any type of fiscal restraint on that spending.

So, Mr. Chairman, I would oppose the amendment as it stands; would encourage the gentleman to expand the amendment to make it clear that the line-item veto does, in fact, apply to all contract spending by the committee, authorized by the committee; and if, in fact, he would do that, I would support the amendment and urge my colleagues to vote for it.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(On request of Mr. SHUSTER, and by unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

Mr. SHUSTER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is trying to rewrite the line-item veto law. I am informed what we have done here goes as far as we can go within this legislation. It would not be germane for us to attempt to rewrite the line-item veto law in this legislation. So we are simply offering this to conform with the line-item veto law, which is now the law of the land.

□ 1430

Mr. ORTON. Mr. Chairman, I am simply suggesting that if needed the committee chairman wished to avoid all criticism of this bill as not pertaining under line-item veto, then in fact he could seek to waive the germaneness requirement under unanimous consent,

could in fact ask to have that amended expanded.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. If the gentleman can assure me that by doing so I would remove all criticism from this bill, I would certainly seriously consider doing that, but I do not think that is a reality. I thank the gentleman for yielding.

Mr. ORTON. Reclaiming my time, I think it will remove criticism from the amendment and in fact eliminate one of the objections that many people have had to this particular bill.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was unable to be on the floor for the full discussion of the line-item veto. The chairman of the committee and I had a bit of a dialog about it this morning during the rule, and we came down to the conclusion that we were not sure whether we were clear on whether or not the legislation before us would or would not be subject to the line-item veto. In the interest of clarity, we wanted to make absolutely certain that this legislation was subject to the line-item veto as passed by the Congress, as signed by the President into law, and that, I believe, is the purpose of the chairman's amendment.

I certainly support what the chairman is trying to accomplish, if it is as I believe, to clarify that this legislation will be subject to the Line Item Veto Act of 1996, which is the way I read the one-line amendment that he has proposed.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this amendment will make this legislation subject to the Line Item Veto Act of 1996, the answer is yes.

Mr. GOSS. I thank the gentleman.

Mr. Chairman, reclaiming my time, I think that that was the clarification that we were all seeking with regard to the line item veto, and I think that to go any further than that, to try and somehow now amend the line item veto, would of course not only be inappropriate but nongermane and beyond the scope and so forth.

Mr. SABO. Mr. Chairman, will the gentleman from Florida yield?

Mr. GOSS. I am happy to yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I am just curious, how could this bill not have the Line Item Veto Act of 1996 apply to it.

Mr. GOSS. Reclaiming my time, my understanding from the Parliamentarian, the need for this amendment follows this reason. The main reason the trust fund bill is now exempt from the Line Item Veto Act is that the

President can only exercise the line-item veto if he certifies that cancellation of the item will reduce the deficit. Since the trust fund bill would remove disbursements for purposes of calculating the deficit, the President would be prevented from exercising a veto authority absent compliance with the deficit reduction standard.

I am happy to yield further to the gentleman from Minnesota.

Mr. SABO. Now I understand why the gentleman may need this amendment, because of that language. Do I also understand that the Line Item Veto Act does not apply to contract authority in the same fashion as it applies to other discretionary spending?

Mr. GOSS. Mr. Chairman, I do not want to speak for the Line Item Veto Act. The Line Item Veto Act speaks for itself. As the gentleman knows, we did discretionary authority, new entitlements and targeted tax benefits in line-item veto. So to the extent what we are talking about falls into those areas under the act as written, the answer would be yes.

Mr. SABO. Mr. Chairman, my understanding is the Line Item Veto Act, that its application to contract authority is much more limited than it is to discretionary spending as exists in appropriation bills from year to year. Is that accurate?

Mr. GOSS. Reclaiming my time, I am not sure that it is. Again, I think that I should refer the gentleman to the act the way it is written. I believe it refers to contract authority, and I believe that the proper way to respond to the question is to refer the gentleman to the act. There may be some parliamentary interpretation.

Mr. SABO. I would ask the gentleman from Pennsylvania, is it his understanding that the Line Item Veto Act pertains to contract authority in the same fashion as it does to discretionary appropriated spending or is it a more limited application?

Mr. GOSS. Since the time is mine, I would be very happy to yield to the gentleman if he wishes me to. But I will tell the gentleman that what he is asking is contract authority and direct spending questions are covered already in the act.

Mr. SABO. But I am just curious, to what degree the line-item veto is different for the direct spending of contract authority versus that of appropriated discretionary funds.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, all I can tell the gentleman is, it is our intention and our belief that in fact what we are doing here is saying that the line-item veto shall apply as it applies in the current line-item veto law. If the gentleman has questions about the nuances of that law, this gentleman is not prepared to answer them.

Mr. GOSS. Reclaiming my time, contract authority is not discretionary. It is direct spending, and direct spending is covered but it is not discretionary. I am sorry, that is the way it is.

I yield further to the gentleman from Minnesota.

Mr. SABO. I thank the gentleman for yielding.

It is my understanding that the application of line-item veto to contract authority is much more limited than it is to any discretionary appropriated funds, and that in fact that it only applies to increases in baseline spending.

Mr. GOSS. My time is finished. I am not sure the gentleman's interpretation is correct. But the gentleman is entitled to his interpretation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 2?

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 3. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Chapter 471 of title 49, United States Code, is amended—

(1) by redesignating section 47131 as section 47132; and

(2) by inserting after section 47130 the following new section:

"§47131. Safeguards against deficit spending

"(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary, in consultation with the Secretary of the Treasury, shall estimate—

"(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31 and

"(2) the net aviation receipts at the close of such fiscal year.

"(b) PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

"(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AVIATION AUTHORIZATIONS EXCEED RECEIPTS.—

"(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

"(A) such excess, is of

"(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

"(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appro-

riated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

"(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

"(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

"(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

"(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

"(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

"(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period the excess of—

"(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

"(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

"(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

"(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

"(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated)."

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of title 49, United States Code, is amended by striking

"47131. Annual report."

and inserting the following:

"47131. Safeguards against deficit spending.

"47132. Annual report."

SEC. 4. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF THE INLAND WATERWAYS TRUST FUND AND HARBOR MAINTENANCE TRUST FUND.

(A) ESTIMATES OF UNFUNDED INLAND WATERWAYS AUTHORIZATIONS AND NET INLAND WATERWAYS RECEIPTS.—Not later than March 31 of each year, the Secretary of the Army, in consultation with the Secretary of the Treasury, shall estimate—

(1) the amount which would (but for this section) be the unfunded inland waterways authorizations and unfunded harbor maintenance authorizations at the close of the first fiscal year that begins after that March 31; and

(2) the net inland waterways receipts and net harbor maintenance receipts at the close of such fiscal year.

(b) PROCEDURE IF EXCESS UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—If the Secretary

of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

(1) DETERMINATION OF PERCENTAGE.—If the Secretary of the Army determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary of the Army shall determine the percentage which—

(A) such excess, is of

(B) the total of the amounts authorized to be appropriated from the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund, as the case may be, for the next fiscal year.

(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary of the Army determines a percentage under paragraph (1), each amount authorized to be appropriated from the Trust Fund for the next fiscal year shall be reduced by such percentage.

(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—If, after an adjustment has been made under subsection (c)(2), the Secretary of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) with respect to the Trust Fund is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) with respect to the Trust Fund shall be increased, by an equal percentage, to the extent the Secretary of the Army determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed with respect to the Trust Fund the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary of the Army to Congress.

(f) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term "Airport and Airway Trust Fund" means the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986.

(2) HARBOR MAINTENANCE TRUST FUND.—The term "Harbor Maintenance Trust Fund" means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

(3) HIGHWAY TRUST FUND.—The term "Highway Trust Fund" means the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986.

(4) INLAND WATERWAYS TRUST FUND.—The term "Inland Waterways Trust Fund" means the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(5) NET HARBOR MAINTENANCE RECEIPTS.—The term "net harbor maintenance receipts" means, with respect to any period, the receipts (including interest) of the Harbor Maintenance Trust Fund during such period.

(6) NET INLAND WATERWAYS RECEIPTS.—The term "net inland waterways receipts" means, with respect to any period, the receipts (including interest) of the Inland Waterways Trust Fund during such period.

(7) UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—The term "unfunded inland waterways authorizations" means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Inland Waterways Trust Fund which has not been appropriated, over

(B) the amount available in the Inland Waterways Trust Fund at such time to make such appropriations.

(8) UNFUNDED HARBOR MAINTENANCE AUTHORIZATIONS.—The term "unfunded harbor maintenance authorizations" means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Harbor Maintenance Trust Fund which has not been appropriated, over

(B) the amount available in the Harbor Maintenance Trust Fund at such time to make such appropriations.

SEC. 5. APPLICABILITY.

This Act (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 1995.

The CHAIRMAN. Are there further amendments to the amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR:

Page 3, line 10, strike "Notwithstanding" and insert "(a) IN GENERAL.—Notwithstanding"

Page 4, after line 14, insert the following new subsection:

(b) LIMITATION ON INTEREST PAID TO TRUST FUNDS.—

(1) IN GENERAL.—Paragraph (3) of section 9602(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "The amount of interest credited to the Airport and Airway Trust Fund, the Highway Trust Fund, the Harbor Maintenance Trust Fund, or the Inland Waterways Trust Fund for any fiscal year shall not exceed the amount of interest which would be credited to such Fund if such interest were determined at the average interest rate on 52-week Treasury securities sold to the public during such fiscal year."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to fiscal years beginning after the date of the enactment of this Act.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, we had during the time of general debate extensive discussion about the role of interest paid on revenues from the highway trust fund that are collected at the pump and then used by the Treasury Department to purchase Treasury notes, as happens with all trust funds in the Federal Government. As I said in my remarks, my closing remarks, would anyone reasonably expect the Federal Government not to honor its obligation to pay interest on Treasury bonds, on our World War I bonds, on World War II bonds, on other securities of the Treasury Department that are purchased by U.S. citizens, by foreign interests, by foreign governments, which buy in great numbers

Treasury securities which underwrite the deficit? No, of course not, not expected. So with the trust funds.

Mr. Chairman, those trust funds are used to purchase Treasury securities, and interest is required to be paid. Under current law, the interest earned by the highway trust fund is the average of all interest paid on the public debt. That average runs about 6.6 percent.

The amendment I offer proposes to limit the interest earned on highway trust fund dollars in an amount equal to the rate on a 1-year Federal Treasury note. That number is about 5 percent, just a little above, 5.1 percent.

The effect of the amendment would be to reduce the amount of interest earned by the transportation trust funds, thereby reducing the ever-increasing balance that has accumulated over a period of several years. Now, this is an amendment that I offer for myself, for the Chairman, with whom I have consulted in the preparation of this amendment. This is, again, a demonstration on our part of our good faith to limit in the future the growth of this trust fund and to gradually reduce that amount, not take that surplus all at once off budget, but gradually reduce it over a period of time. To help do that, we propose this limitation on the interest rate because over a period of time, the trust fund is being long-range dollars, have benefited from the longer term interest rate on Treasury securities. So in the spirit of fairness and comity I propose that we make this change.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I am happy to yield to my Chairman, the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I understand that this has indeed been worked out with the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Minnesota [Mr. SABO], Members on our side, and I think it is a fair approach and I support it.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to my colleague, the gentleman from Minnesota.

Mr. SABO. I thank the gentleman from Minnesota for yielding, and he has a good amendment, we should pass it.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I am happy to yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I am happy to support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 12, after line 22, insert the following:

SEC. 5. APPROPRIATION OF INTEREST EARNINGS OF HIGHWAY TRUST FUND.

(a) PURPOSE.—It is the purpose of this section to offset the approximately \$82,000,000,000 that has been appropriated from the general fund of the Treasury for Federal-aid highway and mass transit construction projects.

(b) APPROPRIATION OF INTEREST EARNINGS.—On September 30, 1996, there is hereby appropriated from the Highway Trust Fund to the general fund of the Treasury an amount equal to the aggregate amounts of interest credited to the Highway Trust Fund before such date.

Page 13, line 1, strike "5" and insert "6".

Mr. SHUSTER. Mr. Chairman, I reserve a point of order against the amendment until we know what the amendment is.

Mr. SMITH of Michigan. Mr. Chairman, this is amendment No. 8 printed on page 7723, amendment on page 12 after line 22.

Mr. SHUSTER. Mr. Chairman, I reserve the right to object until we have an opportunity to examine the amendment to see whether it is germane.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order against the amendment.

The gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, this amendment takes into account the problem of the accumulated interest that is now in the highway trust fund in the amount of \$19 billion. Again, the question is, should Congress, in past general fund appropriations for highway purposes, so designate that it was trust fund money rather than the general fund? General fund expenditures since 1956, when we started the highway trust fund, have exceeded \$38 billion. The estimate is someplace between \$38 billion and \$40 billion. This is general fund appropriations for highway purposes that were not designated to come out of the trust fund.

So what we have been doing over the years is spending more and more money out of the general fund, at the same time we were spending every cent that came in from the highway gas tax. So it is reasonable, I am suggesting to my colleagues, to consider that money that has been spent out of the general fund an offset to the \$19 billion now owed to the trust fund by the general fund. The accumulated interest on some of the trust fund money diverted in the 1960's is the question in this taking off-budget debate. Some have suggested that that \$19 billion is the property of the trust fund and therefore should be spent for roads. I am suggesting that because of the fact that we have now spent approximately \$40 billion out of the general fund for roads,

an additional \$40 billion out of the general funds for mass transit, that it is reasonable to consider those expenditures as an offset to the interest that has been accumulating which represents approximately \$19 billion. This amendment negates that \$19 billion.

□ 1445

I understand that my colleague from Pennsylvania is going to pursue his point of order that this amendment is not germane. It is technically not germane, and, therefore, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan to withdraw his amendment? There was no objection.

The CHAIRMAN. The amendment of the gentleman from Michigan [Mr. SMITH] is withdrawn.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 8, lines 10 and 11, strike "the receipts and disbursements of" and insert the following: "the amounts that after the date of the enactment of this Act are received by or disbursed from".

Mr. SHUSTER. Mr. Chairman, I reserve a point of order against this amendment until we have an opportunity to examine it.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

The gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SHUSTER. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his point of order.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. This amendment deals with the same issue. A lot of the concern about taking the Highway Trust Fund off budget is that the additional moneys that have now accumulated in interest and indebtedness from the Highway Trust Fund, in the amount of \$20 billion, the Airport and Airway Trust Fund, amounting to additional \$11 billion would be spent, thereby taking money away from other programs. This would result in one of two scenarios: Either we borrow more money or we reduce expenditures in other areas.

This amendment provides that the only funds coming off budget would be funds being received into those trust funds from this coming September forward. So what it does is it reserves and keeps on budget the so-called cash account or the accumulated interest and other assumed debt that now exists. It

is my suggestion that that is reasonable because this body needs to deal with the question of whether or not those funds have already been paid back. It is my suggestion that, because there has been approximately \$40 billion coming out of the general fund for highway construction, because of the fact that there has been another \$40 billion coming out of the general fund for mass transit, that we have adequately paid back those funds. Therefore, at this time it seems reasonable that we not transfer these funds off budget and we amend this bill accordingly.

The question of taking the highway trust fund off budget or continuing to expend these moneys under current procedures misses the point of what our ultimate goal should be. I would hope that we all agree that our goal is to spend transportation money from the States in the most effective and efficient way and accommodate the transportation needs of each State.

Detouring gas tax funds through the Federal Government to be returned after paying Federal administration costs is not effective or efficient. Allowing politicians in power to get more than their fair share is not effective or efficient. Not only do we use up vast sums in administration and manipulate funding for political purposes but we send the remaining funds back to the States with Federal regulations and mandates such as the Davis-Bacon Act that add billions of dollars of increased costs to highway and mass transit construction. Gabriel Roth who wrote "Roads in a Market Economy" suggests that a State would have to get back 150% of what it sent to Washington in order to break even because of these Federal mandates. That means that there are only 10 States in the Nation that get back enough from Washington to equal what could be accomplished if the gas tax money stayed in the State to begin with.

If we agree that we want the most efficient use of the available funds for transportation, then I suggest that we leave these funds at the State level in the first place. The Federal Government should retain only funding to provide a transition for those States that are currently benefiting and for transportation safety. Each State would then levy the gas tax locally in order to fund its own transportation system. This would end the process of sending State money to Washington to have some of it drained off in administration, some of it redistributed, and then be forced to beg to get the remainder.

This suggestion is not new. The concept of returning responsibilities to the States has been at the forefront of the welfare debate. Senator MACK of Florida has been a leader on this issue on the Senate side. The Heritage Foundation suggested devolution of the highway program to the States in a report last year. The support for this concept is building.

We should not shy away from examining from time to time each of our Federal programs and see if conditions still warrant the program at all, and if they do, should another level of government be responsible. Having served in local and State government before coming to Congress, I can say that the benefit

of the doubt should lie with the government closest to the people. We should not be afraid to examine the proper role of the various level of governments in the highway program. I believe that once one looks into the transportation system in detail, the arguments support a smaller Federal role and a greater State and local role.

This body should vote against this bill that would simply move the inefficient way we expend dollars for transportation infrastructure from one committee to another and truly take the highway trust fund off budget by devolving the responsibility and revenue base back to our States and communities.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to this amendment.

There are several reasons why this amendment should be defeated. It is a killer amendment which really has the effect of prohibiting any spending of the accumulated balances in any of the trust funds.

Now, if we believe that it is fundamentally wrong to have a \$30 billion balance, money paid in there by the users, and are now saying that it can never be spent, that is just fundamentally wrong. There are other ways to deal with this, more appropriate ways, and indeed the Committee on Appropriations which sets the annual ceiling. If our legislation passes today, the Committee on Appropriations will still set the annual ceiling, and that is the place to make that decision. But to say today that none of the \$30 billion that has accumulated can ever be spent is just fundamentally wrong. This would artificially cordon off that nearly \$30 billion in accumulated balances and hold them hostage.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield.

Mr. SHUSTER. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. But it is not a question of them not being allowed to be spent. It is a question of them being spent in the same way that it has been spent since the existence of the trust fund in 1956.

Mr. SHUSTER. Mr. Chairman, I do not believe that is what the amendment does. What the amendment does is say you cannot spend it.

Mr. SMITH of Michigan. No, it just does not take them off budget.

Mr. SHUSTER. Mr. Chairman, it does not take them off budget, and the fundamental issue here is that these should be taken off budget. This gets to the heart of the question. Indeed these are user fees paid in there. They should be taken off budget.

But I would be quick to emphasize that limits should be set on what can be spent, and those limits are what should be set by the authorizers and by the appropriators, and in fact for the past year we have been saying we want to sit down with the appropriators and the budgeteers in order to negotiate a compromise on this kind of an issue,

but unfortunately they were never willing to sit down and negotiate with us. So now to come at the last minute with a proposal I think, while I would not want to say it lacks good faith, although others have said that, nevertheless I think that this should be defeated and we should set these limits through the normal process of the authorizing and appropriating committees.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

This amendment is like so many others that look benign but have a poison pill attached. Clearly, this amendment undercuts a vitally important purpose of this legislation, which is to enable the Congress to spend down in a phased and fiscally responsible manner the \$30 billion in surplus built up in the highway trust funds and the aviation and the other trust funds.

The \$30 billion of surplus that we have been debating about all afternoon, the gentleman would say, oh, sorry, we are not going to spend the surplus, we can just spend what comes in on an annual basis. That is what this debate is all about, about withholding funds and building up these accumulated surpluses that then are sued to mask the deficit.

These surpluses should be off budget with the trust fund. The surpluses have accumulated because of failure to spend the user taxes we agreed to be taxed for that we have agreeably paid for the purpose of building highways and bridges and airports and deepening our waterways and improving our navigation channels. As budgetary conditions permit, the surplus should be devoted to their intended purpose.

The surpluses will not be spent down overnight, as we have repeatedly said in the course of this afternoon's debate. The bill does not exempt funds or the surpluses from the authorization or the appropriation process. We will have complete control over whether and when the surpluses are drawn down. In fact, over the past year the gentleman for Pennsylvania [Mr. SHUSTER] has been working diligently with the Committee on Appropriations and Committee on the Budget leadership to try to work out a plan under which the spend down would occur. It can be done; we have done so in the past in the aviation bill of 1990, the AIP reauthorization bill.

We worked out a very fine accommodation of reasonable accommodation with the Committee on Appropriations, the transportation appropriation subcommittee, the Office of Management and Budget, the Department of Transportation, the Committee on Ways and Means, under which agreement over a period of time, the very complex adjustment, we would draw down the surplus built up in the aviation trust fund, those moneys to be invested in airport

runways and taxiways and parking aprons that were needed to relieve congestion at the Nation's airports, and it worked. That money was not all drawn down overnight in one big fell swoop; gradually over a period of time. Unfortunately, now the surpluses have begun to build up again.

So take the trust funds off budget, the surplus will be spent down in a reasonable and responsible fashion under accommodations between our committee and the Committee on Appropriations, working with the Committee on the Budget as well. We do not need this amendment. This really is a killer amendment. It ought to be defeated and ought to be unmasked for what it is: an attempt to gut the bill.

Defeat the Smith amendment.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

I just want to emphasize what the distinguished ranking member of the Committee on Transportation and Infrastructure said. If my colleagues vote for the Smith amendment, they kill the bill. This is a killer amendment. The gentleman from Michigan [Mr. SMITH] does not like this bill. So in the option that he has been given he has offered his amendment to simply kill the bill.

We know the purpose of the bill is to take trust funds off budget and permit Congress to set whatever levels of spending it deems appropriate. In the Truth in Budgeting Act this amendment would not allow Congress to determine what trust funds support the aviation and highway system needed.

So I want to support what the ranking member said and advise Members to defeat this amendment because it, in fact, will kill the bill.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words, and with that I yield to my colleague, the gentleman from Michigan [Mr. SMITH] to respond to some of the points made.

Mr. SMITH of Michigan. Mr. Chairman, just very briefly, by not having the so-called cash reserve or the accumulated interest transferred and taken off budget means it will be spent exactly how the total trust fund has been spent since it was first started in 1956. So it is not a question of not spending the money, it is a question of that \$30 billion coming under the caps and being spent in such a way through the budget process and the appropriation process as it has always been spent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was rejected.

The CHAIRMAN. The Committee will rise informally.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TRUTH IN BUDGETING ACT

The Committee resumed its sitting.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MINGE

Mr. MINGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MINGE: At the end of Section 2 insert the following:

(C) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

Mr. MINGE. Mr. Chairman, I yield to the gentleman from California [Mr. ROYCE].

□ 1500

Mr. ROYCE. Mr. Chairman, I want to point out that this amendment is supported by both supporters and opponents of H.R. 842. Indeed, the authors of the amendment include both proponents and opponents of the bill, as well as those who are as yet undecided. But very simply put, Mr. Chairman, the amendment says that if the highway trust fund is placed off-budget, there will be no earmarks for specific projects. If earmarks occur, the fund comes back on budget.

Why is this amendment important? Because this bill, H.R. 842, this underlying bill, would have the effect of exempting highway trust fund spending from all budgetary controls, including discretionary caps, pay-go rules, and 602(b) allocations. If we are going to give highway funds special protection from budget rules, then it is reasonable to hold highway funding to a high standard of accountability, and that means no earmarking.

Highway users who pay into the trust fund deserve to have those funds expended in the most efficient and fair manner possible. Earmarking disadvantages everyone in every project not on the list, and projects should be judged on their individual merits, not on patronage.

This amendment guards against pork barreling and protects the integrity of

the highway trust fund. Supporters and opponents of the bill should all agree on that point. By way of demonstration, I just want to remind the Members that in 1991, in the highway demonstration projects, 30 percent of those funds went to West Virginia. West Virginia is .7 percent of the population. In 1992, 30 percent went to West Virginia. In 1993, we had one-third of all highway demonstration project dollars going to West Virginia; in 1994, \$54 million, which amounted to 43 percent of the highway demonstration dollars; and in 1995, the fiscal year past, Members know the story. West Virginia for two projects got 52 percent of the Senate's money, or 21 percent of the Nation's highway money for demonstration projects.

Mr. Chairman, while the people of western Virginia are fine people, in my view this is unfair, unjust, inequitable. Some might call it highway robbery. Mr. Chairman, I would like to urge all of the Members to vote for the amendment. It is supported by Citizens Against Government Waste.

Mr. MINGE. Mr. Chairman, we have heard a great deal of debate both today and during this session about the problems that we have faced in this institution with earmarking, with demonstration projects, and abuses of this part of the process.

I certainly respect what the chairman of this committee has attempted to do in regulating and limiting inappropriate earmarks and demonstration projects. I also wish to pay tribute to the Committee on Appropriations, and the work of the honorable chairman of the Subcommittee on Surface Transportation and the guidance he has provided this Chamber in stopping the demonstration highway earmarking process.

Mr. Chairman, the purpose of this amendment is to confirm that if the highway trust fund indeed goes off-budget, we no longer engage in this practice. Instead, what we are doing is, we are collecting funds, we are remitting the funds to the States on a formula basis, and the States are then allocating these funds for projects as the States establish their priorities.

Mr. Chairman, I recognize that some people have problems with the way the States function, but I think the day has come when we need to say to the States, "We repose in you a certain level of trust and confidence, and if you abuse that confidence we will hold you to a higher standard," not that we will attempt to determine on our own here in Washington how funds ought to be micromanaged around the country.

Mr. Chairman, this amendment is designed to avoid that temptation and to still comply with the goals that are motivating this basic bill, which is to make these funds available for public highway projects throughout this Nation.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are several reasons why this amendment should be defeated. First, Mr. Chairman, the amendment would have the effect of preventing these trust funds from ever coming off budget, because it goes far beyond what it is purported to do. Let me explain. The amendment places the highway trust fund back on budget if any funds are made available for any highway construction project or activity that is specifically designated.

As the gentleman knows, funds for highway construction projects and activities were made available in ISTEA for fiscal 1997. Thus, this amendment would automatically return the trust funds on budget forever when the fiscal 1997 transportation appropriation bill passes. It is not our bill, it is not our bill which would cause this to kick in.

Second, a return to on-budget treatment is not only triggered by funds made available for highway projects, but also by funds being made available for virtually any purpose under the Federal Aid Highway Program. These include such basic programs as interstate maintenance, the National Highway System, emergency relief, ferry boat construction, rail-highway grade crossings, innovative financing/toll pilot programs, Orange County's private toll roads, among many others.

This provision would also return the trust funds on budget due to action made in bills reported in the past by other committees, other than this Committee on Transportation and Infrastructure. If this amendment were adopted, then another committee could prevent these trust funds from ever coming off budget simply by making funds available for any highway construction purpose in any appropriations bill, for example.

Fourth, the amendment singles out highway construction for special treatment among all types of transportation trust fund spending. Every year there are numerous earmarks for transit projects. In fact, there were over 130 transit earmarks in the fiscal 1996 transportation appropriations bill. There were also over 20 earmarks in that same bill which would not be prohibited by this amendment.

Finally, this amendment is completely unnecessary. Every dollar in the highway trust fund spending is subject to the recently enacted line-item veto. Congress will have ample authority to review any highway authorization bills that make highway trust funds available if such bill is passed, and indeed beyond that, the President could use his line-item veto.

Rather than being satisfied with this procedure, Mr. Chairman, this amendment would vest OMB with line-item veto authority. For all of these reasons, I would urge my colleagues to resoundingly defeat this amendment.

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, there were two amendments printed in the RECORD. One of them was broader. I would like to make sure we are talking about the same amendment. There is nothing in this one that deals with transit funds.

Mr. SHUSTER. That is correct. That is exactly the point I am making to the gentleman. There is nothing here that deals with transit funds, which is only one of the many reasons this amendment should be defeated.

Mr. MINGE. But something that would happen with respect to transit funds would not be a highway project, unless it was a specific highway project. Therefore, it would not trigger the reaction that the gentleman is attributing to the amendment.

Mr. SHUSTER. What is good for highways ought to be good for transit.

Mr. MINGE. We would like to deal with transit as well, but as we understand the process within the Department of Transportation, the transit trust fund is handled in quite a different fashion.

Mr. SHUSTER. No, it is not. Mr. Chairman, I would inform the gentleman that the transit account is part of the highway trust fund, and indeed is handled as the highway funds are handled as well.

Mr. MINGE. We understand they have a priority system in the Department of Transportation for the transit trust fund. Is that correct?

Mr. SHUSTER. I am sure this Congress does not want to accede to a particular administration; what procedures they may deem wise to use, we may think they are very unwise, so we are not about to turn over to the bureaucrats downtown some procedure which they say they use for transit.

Mr. MINGE. Would the gentleman agree, then, that we should exclude transit because it is not adequately covered at the Department of Transportation?

Mr. SHUSTER. I agree that for many reasons that I have outlined here, that this amendment should be defeated.

Mr. MINGE. We appreciate it, because we did exclude transit for some of the reasons you have mentioned. That should win the gentleman's support for this.

Mr. SHUSTER. Mr. Chairman, I understand that the gentleman has sent our committee a request for a project which we have here, so I find it a bit amusing that the gentleman would now take this position when indeed we have in our possession a letter from the gentleman asking us to fund a special project for him.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is another one of the killer amendments devised by

those who are not in accord with the purpose of taking trust funds off budget. In fact, even some who have originally signed on as sponsor of the bill obviously had second thoughts later on and said they do not want to support this concept, and now they find ways to undermine it, cut it and gut it.

Mr. Chairman, this amendment provides that the trust funds would no longer be off budget if at any time a highway project was specifically mentioned in a bill or a committee report.

What this means in plain English is that the Committee on Appropriations can kill off-budget status for the highway-aviation-waterway trust funds simply by earmarking a project in a bill or a law, in a committee report or in a bill that ultimately becomes law. This hands over to the Committee on Appropriations the total power over the trust funds and their status. What a crazy thing to do.

Mr. Chairman, the gentleman refers to demonstration projects and says he wants to stop pork barreling, and our colleague, the gentleman from California, the gentleman who spoke previously, also talks about pork barreling. I am not quite sure what they mean by "pork barrel." It usually carries the implication of an individually designated project or fund without merit. That usually is an argument from the perspective of the Speaker. What is meritorious in one district may not be meritorious to a person in another district.

If I may have the attention of the gentleman from California [Mr. ROYCE], is he familiar with the Hacienda Boulevard project? Does the gentleman recall writing to our committee about the merits of the Hacienda Boulevard project? We agreed with the gentleman that it had merit in the 103d Congress, on both sides of the aisle. We thought it was a very meritorious project. We were prepared to support it.

The gentleman is supporting now a provision of law that would gut the ability to help the gentleman achieve a laudatory, necessary, and important purpose that he feels significant for his district, as for my colleague, the gentleman from Minnesota, who also has appealed to our committee in the past on the merits of need in his district.

We are prepared to support those needs, and we have done in the past. Now they come along and say, oh, sorry, we were only kidding. We did not mean it. We are going to give authority to kill the ability of the Committee on Transportation and Infrastructure to help Members respond to transportation needs that are not being met by their State.

In effect, we hand over authority over Federal funds, over tax dollars that we vote for in this body, to States, and let State governments and State highway departments earmark the des-

ignate and specify and determine where those dollars are going to go. That is not pork barreling? That is not individually designating? That is fair?

The reason we get bombarded, we Members of this Body get bombarded by our constituents, is that those very State governments are not responding to the needs of highway users in our respective districts. That is why we went through a very elaborate process of joining with State highway departments and the Federal Highway Administration to set up criteria, 17 criteria, by which we would judge whether a project is meritorious or not and ought to be included in a national piece of legislation.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, perhaps what I hear the gentleman saying is that there are those who think that if we designate worthy projects here, that is a terrible thing, but if we shovel the money back to the States, then there are angels in heaven in the State government who makes these dispassionate, objective decisions as to how to spend the money. Politics, that terrible, crass work, politics, never enters into a decision when the States decide how to spend the money that we send to them.

Mr. OBERSTAR. The gentleman is quite right. Actually, the dollars that leave here that go to the State government, and they are sprinkled with holy water and they are absolved of all sin. That is sheer nonsense. If Members believe that, I have some swampland out in Minnesota I would like to sell them.

Mr. Chairman, this is a killer amendment. It is foolish. It ought not to be adopted. We should roundly defeat it.

Mr. NEUMANN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to many things that were just said, and I to a certain degree, find some of them offensive. Let me just explain why. I do support this bill, and I think that the tax dollars that are collected from gasoline taxes should be spent back out on highway projects; but I also support the fact that the people in the State of Wisconsin have a right to receive the tax dollars that they pay into this system back in the State of Wisconsin.

When we permit projects to be earmarked, those projects that are earmarked take away from the overall kitty that is available to be redistributed in a fair manner to the people in the State of Wisconsin. So I support this amendment strongly, and I rise to support this amendment. I support the bill, but I do not want to see earmarks in the bill. The only way that I can see to eliminate the practice of pork barrel spending or earmarking things in the bill is to make sure this amendment actually goes through.

We do not have to look very far. The Almanac of American Politics noted that out of \$6.1 billion, with a b, made available for ISTEA projects, one State received over \$930 million. One district in that State received \$300 million. That is not fair to the State of Wisconsin and it is not fair to the other States around this country.

The purpose of this amendment is to make sure this money gets distributed in a fair, well-thought-out manner around the country and people in States like the State of Wisconsin receive their fair share of the amount of money back.

The part that I disagree with adamantly is that people that are rising that support this bill would somehow have some other meaning. I support this amendment, and I support this amendment because I believe it is in the best interests for the future of this country and the manner in which we distribute these funds.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman was not here in the previous Congress or the Congress previous to that, when we went through a very elaborate process in our committee on both sides of the aisle to determine the merits of projects.

Mr. NEUMANN. Mr. Chairman, reclaiming my time, is that the Congress where 30 percent plus of this money was allocated to one State consistently, year after year after year?

□ 1515

That is what this new Congress is all about, is stopping that kind of practice.

Mr. OBERSTAR. That is simply not true.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from West Virginia.

Mr. RAHALL. I am advised that in the last ISTEA legislation we did, that Wisconsin was adjusted near the end, and it came out very well. So I am not sure what the gentleman's direct concern is here, but certainly in the future in agreeing with this amendment which he wholeheartedly supports, we will be glad to exempt Wisconsin.

Mr. NEUMANN. We would certainly hope that in the future years we make sure that Wisconsin receives a dollar back for every dollar sent in, and that would solve a vast majority of the problems that we have.

Mr. RAHALL. If the gentleman will continue to yield, if he is talking about highway funding formulas then, I believe that is properly addressed when our committee reauthorizes ISTEA at the proper time.

Mr. NEUMANN. We look forward to that redistribution back to the State of

Wisconsin. I would conclude my comments by reiterating that I do support the overall bill, and in theory I support what is being said here, that the tax dollars that are collected at the gas pump from the gasoline users should be spent to build highways and should be reallocated in this manner.

What I do not think should happen is that that money should be pork barreled into certain districts. When we put it into certain districts, it is not available in the general kitty to be reallocated in the general well-thought-out manner that the formula would indicate.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we have been talking about here the Truth in Budgeting Act. I would submit that that label perhaps should apply to amendments as well, and that we ought to say we are for truth in amendments as well, and I would like to advance some criteria in just a moment for what truth in the amendment process should be about.

But let me say to the gentleman from Minnesota, one of the cosponsors of this amendment, very similar to remarks I made earlier in this debate addressed to the chairman of the Appropriations Subcommittee on Transportation, that is, these Members who get up and talk about earmarking projects, talk about pork-barrel projects and proceed to label themselves as porkbustlers, knowing the way the press loves to headline and loves to pay such Members attention, I would remind the gentleman, as the gentleman from Pennsylvania [Mr. SHUSTER], our distinguished full committee chairman, has already done, and I am sure he is already aware of letters that he has written our committee requesting projects in the past.

Evidently these projects under the current amendment and under the debate that is being conducted are termed bad and thrown out for political purposes, the money is thrown out for political purposes, but the pending amendment that the gentleman offers should indeed be shown for what it is.

Under the truth in amendments criteria that I would advance, Mr. Chairman, I would say must reveal first the startling transformation that has occurred in the sponsor of this amendment, the gentleman from Minnesota [Mr. MINGE]. There is a highway project in Minnesota which I am sure he is aware. It is a good project. It is called trunk highway 212.

In 1994 the gentleman wrote to me in my then capacity as chairman of the Surface Transportation Subcommittee requesting an earmark of \$12 million for this particular project. We were able to help the gentleman, maybe not to the full extent to which he was requesting, but nevertheless in that let-

ter the gentleman from Minnesota noted that the project had already received two other congressional earmarks, both in ISTEA and in the fiscal 1992 appropriation bill.

I think it is strange today that the sponsor of this so-called pork-buster amendment now finds the earmarking of money for highway projects so onerous. But be that as it may, there is a more important reason for opposing this amendment, and that is simply the fact that it makes no sense.

The gentleman notes in his April 16 "Dear Colleague" in support of this amendment that if the trust funds were taken off-budget, highway demonstration projects will be completely exempt from obligation limitations. The truth is that today under the existing process, ISTEA demonstration projects are exempt from the obligation limits set in the appropriation bills. They are exempt from the obligation limits today. So, therefore, the pending amendment makes no sense and I would urge its defeat.

I would say also in response to the gentleman from California, in his earlier rendition of what he termed highway robbery and appropriations of money that have come to West Virginia, my home State, for highway demonstration projects, I am not entirely clear but I believe some of those moneys to which he was referring are out of general revenues, and that is not what we are talking about in this particular legislation today at all. Yes, West Virginia received those projects, yes, we deserved them, but, no, they would not be affected by this particular amendment. They would not be affected by this particular legislation that we are considering because those were revenues that were appropriated out of general funds of the United States, not highway trust funds.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. This is not the place to fight that battle. The place to fight this battle is when we bring ISTEA to the floor for reauthorization. I am sure there will be a bloody battle, in our committee and on the floor, over the whole question not only of special projects but of the formula which is used to apportion the money to the States. That is the place to fight this battle.

Mr. RAHALL. The distinguished chairman is entirely accurate. That is the format in which we should make that battle and also, in addition to that, we should not be trying to blur the distinction here between general revenues and highway trust fund moneys, either. If the gentleman has a problem with the appropriation process, then let us take that battle to the Committee on Appropriations and battle it out during the appropriation process.

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Minnesota.

Mr. MINGE. I do not believe the gentleman received a letter from me in the 104th Congress requesting any funds for highway projects.

Mr. RAHALL. 103d Congress. If I misspoke, I stand corrected.

Mr. MINGE. And it would be correct to say that in the 104th Congress some of the rules changed, and we no longer had demonstration projects, so that we were not subject to this type of request from our constituents and, as a consequence, the process here in the House changed and we sort of cleaned up our act a little, if you will.

Mr. RAHALL. I know the gentleman is trying to relate his transformation to a possible transformation in the House rules, but we have not had a highway bill this year.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. MINGE].

Mr. Chairman, the title of the pending legislation is the "Truth in Budgeting Act."

I would submit that we should apply that label to amendments as well.

Truth in amendments.

The gentleman from Minnesota has labeled himself a porkbustler. I have two "Dear Colleague" letters signed by the gentleman in which he berates so-called porkbarrel highway demonstration projects.

These types of projects are, in his view, apparently bad and as such, the pending amendment would make taking the transportation trust funds off-budget contingent upon there being no further earmarking of funds for a particular project.

Under the Truth in Amendments criteria I am advancing, I find that I must reveal there has been a startling transformation in the gentleman from Minnesota's views as they relate to earmarking of projects.

There is a highway project in Minnesota, and I am sure it is a good project, called "Trunk Highway 212".

Now, in 1994, the gentleman wrote to me in my then capacity as chairman of the Surface Transportation Subcommittee, requesting that I earmark \$12 million for that project.

In that letter, the gentleman noted that the project had already received two other Congressional earmarks: in ISTEA and in the fiscal year 1992 appropriation bill.

Let it suffice to say that I find it passingly strange that today, the sponsor of this so-called porkbustler amendment, now finds the earmarking of funds for highway projects so onerous.

Be that as it may, there is one major reason to vote against this amendment.

It makes little to no sense.

The gentleman notes in his April 16 "Dear Colleague" that if the trust funds are taken off-budget, highway demonstration projects will be completely exempt from obligation limitations.

My colleagues, the truth is that today, under the existing process, ISTEA demonstration projects are exempt from the obligation limitations set in the appropriation bill.

They are exempt from the obligations limitations today.

So I would urge a "no" vote on the pending amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have a great opportunity today to effectively continue the work that was just described, of eliminating these highway demonstration projects. As I understand it, highway demonstration projects were first designed to demonstrate new road construction techniques. Now they simply demonstrate the Members' ability to bring home the bacon to the district. That is what a demonstration project is all about.

The gentleman from West Virginia has made some point about others requesting demonstration projects. Let me, I guess, establish my credentials on that point.

In 1993, immediately upon being elected to this Congress, I said I would not support a demonstration project in my own district. It created quite a stir, because this is not what Members of Congress are supposed to do. They are supposed to seek the bacon for their district and bring it home. That is how they get reelected, so the story went.

Well, I opposed demonstration projects. I said I would not go to Congress. I said, "If you're choosing somebody to go on a looting mission for one's friends," as George Will has said, "pick somebody else, not me. And if you want to, throw me out after 2 years."

What happened? People in my district said, "That's right, BOB. No more demonstration projects. It's a lousy way to do government." What else did they say? Look at this, interesting thing. George Bush said no demonstration projects until he got into some trouble with reelection. Then Bill Clinton says no to demonstration projects. What do you make of it? President Bush and President Clinton agreeing, no demonstration projects.

So our honorable chairman of the committee over here has taken that action, and I am very excited about that. We need to do it right here. We need to make sure that in this bill we have a fail-safe, so if the committee starts spending demonstration money, it goes back on-budget. It is a nice accountability feature.

I think it would make a whole lot of sense to do that right now in this bill so that we make sure that we do not lapse into that old behavior of demonstration projects being clearly designed to win Members reelection. That is what this is all about, and that is why we have got to eliminate these demonstration projects.

The point was made earlier, it goes to holy water, the gentleman from Minnesota [Mr. OBERSTAR] said, when it goes to the State. I do not know

about the holy water, but I do know this. If it goes to Columbia, SC, as a lump of money, in Columbia, SC, we are a relatively small State, we can figure out how to spend it. In 2½ hours you can get from Columbia to anywhere in South Carolina on the road system we have, and you can determine what the priorities are.

If I am given carte blanche to come here and be the demonstration project king, what happens is I start earmarking for my own district, and what happens to JIM CLYBURN's district or JOHN SPRATT's district or FLOYD SPENCE's district? It gets all irrational. It gets into complete politics way removed from the situation.

Columbia has no holy water but it is a small State. We can figure it out as a family. We want to send it back there freely, fairly and then let the State divide it up. That is the way it was designed.

Mr. NEUMANN. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Listening to the gentleman, the phrase "trust but verify" comes to mind, that we trust the procedure that has been initiated in this Congress will continue and this is very simply a verification that what we have started, to make government cleaner and better for the American people, will continue. "Trust but verify" just keeps coming to my mind as I listen to the gentleman.

Mr. INGLIS of South Carolina. It says something about the SALT treaties and all that.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding. If ever there were a man of integrity in this body, it is the gentleman from South Carolina, and if ever there were a gentleman who could do heavy lifting for his district, it is this champion weight lifter who is at the microphone over there.

I am glad to hear that the gentleman has such great confidence in his State government to distribute funds equitably and fairly. I say to the gentleman, I cannot get anywhere in my district in 2½ hours. It is too big.

But there is nothing, in all seriousness, in this legislation that refers to earmarking or designating. That is an issue that will be taken up the next time we have an authorization bill. Furthermore, the language of the gentleman from Minnesota would invite earmarking by the Committee on Appropriations for the simple purpose of killing off-budget status of the highway trust fund.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. This amendment goes far beyond the issue of special projects. If we want to fight about special projects, ISTE is the place to do that, not here. But this goes far beyond that. For example, if interstate maintenance, the national highway system, bridge, the ferry boat construction, if any one of these categories were included, it would kick in this amendment. Is that the gentleman's understanding, as well?

Mr. OBERSTAR. Yes.

Mr. INGLIS of South Carolina. If I may reclaim my time, if that were to happen, let us assume the Appropriations Subcommittee on Transportation decided to do such a thing. I would imagine it would be a fairly uncomfortable position and an unenviable position for them to be in, having taken a position against demonstration projects. It would be a rather awkward position.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support this amendment. I do not think it is going to pass. I hope it passes. But what we ought to be doing, and maybe this would be the prelude to next year, is we ought to just take a percentage of the 18.5 cent gasoline tax and turn it back to the States, because I think they know better about where the money ought to be spent than frankly we do in Congress. And when you have a problem in that individual State, then you go defeat that Governor or you change their legislature or you do something.

What the gentleman from Wisconsin was saying was a fact. The great State, my neighbor State of West Virginia, in that 1 year got 47 percent of all the highway demo money out of the Committee on Appropriations. Forty-seven percent.

There are three wonderful, and I like the gentlemen very much, three good Members of Congress and two outstanding Senators. Let me just say that for the record. I have great respect for Senator BYRD. I think he is a good person, a decent person. But the fact remains that that State has three Representatives, got 47 percent of the money and the rest of the country got 53 percent. Texas got nothing. Florida got nothing. California got nothing.

We in the Committee on Appropriations made a decision that was supported on a bipartisan basis, Republicans and Democrats, that we would do away with highway demo projects. Some people thought when I got to be chairman of the committee that we would just do everything for my State, and I said, "That's not why we're here, and we're going to do away with it," because I had watched the way that demonstration projects were determined. It was if you voted a certain way, if you did a certain thing. So I thought it was a good idea, and I thought the Minge amendment and the

gentleman from California have a good idea. We should be changing the formula. Right now we are disbursing the money on 1980 census data, when the world has changed in 1996 in California and South Carolina. And the gentleman from South Carolina, your State gets 87 percent. You do worse than any other State.

□ 1530

So this is a good amendment. Hopefully it will not pit the two committees together. Some people said, "You are here because you have a jurisdictional issue." Let me say, if the highway trust fund is taken off budget and it passes the House and the Senate and is signed by the President, I am going to get out of this committee. It will be a joke. It will be a waste. It will be a fraud.

Second, even if this does not pass, I do not want to be chairman of the Subcommittee on Transportation of the Committee on Appropriations for the rest of my life. I sit publicly in hearings. I may ask the gentleman from Louisiana [Mr. LIVINGSTON], "Hey, put me on another committee." Put me on the Committee on Foreign Operations. I can do other things other than transportation. So it is not a jurisdictional thing.

I commend the gentleman from Pennsylvania [Mr. SHUSTER] for the effective work here, and the gentleman from Minnesota [Mr. OBERSTAR] for the effective work here, but this amendment makes sense.

Nobody should abuse this amendment, make it look like a stupid amendment. It is a good amendment, and I think it is a way the Congress ought to go. Let us reduce the gasoline tax; let us let the States run it. Whatever we keep at the Federal level, let us change on a formula based on census and fairness.

Last, let us not hold anyone accountable who may vote the wrong way because they voted their conscience.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I would just ask the gentleman from Virginia, what was that pledge he made if this became law?

Mr. WOLF. Mr. Chairman, reclaiming my time, I said if this bill becomes law and is signed by the President, I would step down as chairman of the Subcommittee on Appropriations, because I think it would be a fraud to be there.

Mr. RAHALL. I just wanted to hear it repeated.

Mr. WOLF. Is the gentleman looking forward to that date to take my place, my friend? Although West Virginia has lost a little bit under the change with regard to that, the gentleman was not involved in those other things. It came from the other body.

Mr. RAHALL. Mr. Chairman, if the gentleman will yield further, would the gentleman clarify in this particular Member's mind his distinction between highway demonstration projects and earmarking?

Mr. WOLF. Mr. Chairman, a highway demonstration project is the State, and we have found out many times the State does not want the money, but the Congress gives them the money for whatever reasons, and you can fill in the blank what those reasons are. After the money ends, the State stops building it.

We had the GAO look at it, and many of these highway demonstration projects were never completed because the States did not want it. Once they get the money, they use the money, once they run out, they end it.

I would like to give back to the States whereby the Governor of the States can make the decision, and not the handful of people up here based on the fact you like the way the guy voted, or he did not offend you, or whatever the case may be.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. WOLF] has expired.

(By unanimous consent, Mr. WOLF was allowed to proceed for 2 additional minutes.)

Mr. WOLF. Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, as the gentleman is aware, in ISTEA, when I chaired the Subcommittee on Surface Transportation, with the complete cooperation of the gentleman from Wisconsin, Chairman PETRI, and the gentleman from Pennsylvania, Mr. SHUSTER, chairman of the full committee, and the gentleman from Minnesota, Mr. OBERSTAR, or then Chairman Mineta, we developed a set of criteria by which projects had to answer, a long list of questions. One of those questions at the very top was about whether the State supported the project or not. We did not put a project into ISTEA without full 100-percent written testimony from the States that they supported such projects.

As I said earlier, these projects were scrutinized, scrubbed, and there was not a one put in there without State support, not without State support.

Mr. WOLF. Mr. Chairman, reclaiming my time, what happens is though the States say "If I am going to get it, I will take it." Even my own State said we are against these projects, but if everyone else is doing it, can you do it.

So I think it is better that it fits into the overall State's plan. I think the Governor is the best one to determine it and the money ought to go back on a systematic formula.

There are good and decent people on both sides. I am not questioning anybody for the way they do this. I think the amendment makes sense, and I ask strong support for the amendment. I

am not going to hold my breath until it passes, but it would be a good thing.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has been a strong supporter of the Woodrow Wilson Bridge rehabilitation. The gentleman understands that under the language of the amendment of the gentleman from Minnesota [Mr. MINGE] that any project or activity that is specifically designated in Federal law, that the Woodrow Wilson Bridge would specifically be stricken?

Mr. WOLF. The difference is, I would tell the gentleman, the Woodrow Wilson Bridge is the only bridge owned by the Federal Government.

Mr. OBERSTAR. It would still be stricken.

Mr. WOLF. It is in a totally different capacity. The Federal Government and Federal Highway Administration has come up to your committee and said that is their responsibility.

Mr. OBERSTAR. It would still be stricken by this language.

Mr. WOLF. It is a different situation, because it is a federally owned bridge.

Mr. OBERSTAR. It is still in the trust fund.

Mr. WOLF. I urge support of the amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members to avoid personal reference to Members of the Senate.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, yes, we are trying to change the process here so that it is done in the future proportionately on the basis of fuel taxes paid in by the various States and not affected by earmarking. It is because earmarking favors States with Members on key committees and communities with the resources to hire Washington advocates at the expense of other States and localities.

State transportation departments, in my view, and State legislatures are in a much closer position of being closer to the people to determine which highway projects are most deserving of funding than Congress. This is my view. Although individual Members may be knowledgeable about projects in their district or State, Congress as a whole is not in a position to make decisions about the merits of individual projects across the country.

Lastly, the process of earmarking funds for demonstration projects encourages the use of transportation funds for high profile politically popular new construction projects at the expense of the less visible but more important repair and maintenance projects.

So I urge and an "aye" vote on the amendment.

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, I would like to also point out, complimenting the gentleman on his remarks, that we have remarkably capable committee leadership in the Committee on Transportation and Infrastructure and many other committees in this Congress. I submit that if some States are not responsibly allocating the Federal funds that come through, that our committees have oversight jurisdiction. It provides us with an opportunity to watch what the States are doing, to correct it with legislative response immediately, if that is what is necessary.

But this is a function that we can play very well, oversight. We have a national vision. But it is very difficult for us to provide the local supervision and the local decisionmaking that is so important in allocating funds between communities, even within our respective districts.

I would also point out that I, and I expect almost every other Member, have from time to time requested a project. I and many other Members have had communities in our districts request support for specific projects. As long as the game plan in Congress is to have demonstration projects or earmarks, it is very difficult to represent an area without playing the game.

I am not here to say that the gentleman from West Virginia or the gentleman from Pennsylvania or my colleague from Minnesota has done anything untoward. I am simply saying, let us engage in the oversight function. Let us not engage in the business where we each beseech the other for some local project and try to evaluate what is going on in each others' districts.

This is an extremely difficult task to perform from Washington. I certainly compliment the gentleman from West Virginia or South Carolina on his resolution to avoid that type of temptation. I know that is a stronger temptation than almost anyone else in this body has been able to withstand.

In closing, I would like to urge the Members of this body to support the amendment. We see this as an opportunity to improve the functioning of our institution and to avoid some of the criticism which unfortunately from time to time has brought our institution into disrepute in the Nation's press.

This, I submit, is a way for America, for the Congress, to improve our function, and to improve the way that we handle the important task of allocating Federal funds.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here in vigorous opposition to this amendment. I think if you listen to the debate, you focus in on highway demonstration projects. I

agree with much of what the gentleman from Wisconsin says and the gentleman from South Carolina. There are too many pork barrel projects. There are too many demonstration projects. But this amendment does not address highway demonstration projects. That is not what this amendment is about.

What this amendment does do is it would gut this legislation. That is why I am opposed to it. This legislation would assure that when people in our States pull up to the gas pump and they pay 18.5 cents a gallon in Federal taxes, which they believe will go to transportation projects, that when that money comes up here, all 18.5 cents goes back. It is not dipped in and taken out and spent on projects that are 1 million years and 1 million miles away from highway projects.

The gentleman from Wisconsin and I agree that this legislation before us is good. This amendment has a good sound to it, and I compliment the gentleman from Wisconsin for bringing it. But when I read it, I realized that it is not what he, I believe, even intended. Because what it would do in fact, I am concerned about these Canadian trailers, where you put three of them together, and a truck can haul trailers longer than a 10-story building. I want to stop that.

But this bill says that if we spend any money to address highway activities, if we try to stop these tractor-trailer trucks longer than a 10-story building, that we cannot do it, because we are obligating money for highway activities, and it goes out the window.

I am concerned about those four teenagers that died in Talladega County, AL, a few months ago at a grade crossing. I would like to address that. Several of us in this body are looking to make grade crossings safer. We would like to commit money to this activity. But it is a highway activity, and with this amendment, it goes out the window.

All someone would have to do that wanted to stop dedicated highway funds from highway projects, all they would have to do is slip something into our bill which was an activity, and it is out the window. So I vigorously oppose this amendment.

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I just want to comment to the gentleman from Alabama, I certainly agree with the points he is making. I might make a couple of comments in addition.

Any highway project at any time probably has been called pork by somebody. So we almost have a choice of doing no highway construction at all in the country or doing projects that possibly somebody, some small minority someplace, is going to call pork. But we have got to do this construction.

All of this legislation we deal with, whatever subject it involves, it has to get specific in many different ways. But we run the risk if this amendment passes that if we get specific in highway legislation from now on, it would put this money back on budget and it would start being used for all these other things, foreign aid and everything else, instead of being used for highway construction and the purposes for which it was designated, which is what the American people want.

So I rise in opposition and join the gentleman from Alabama in his opposition to this amendment.

Mr. BACHUS. Mr. Chairman, reclaiming my time, in conclusion, I want to warn the Members of this body, if you are concerned about those triple trailers, which in negotiations they are trying to turn loose on our highways, and they will kill our senior citizens, and if you are concerned about these string of trailers, if you want to do something about them, that is a highway activity. Read this amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I thank my colleague from Alabama. I accept the gentleman's points. I rise in opposition to this amendment as well, and I accept the points the gentleman has made.

I additionally want to say on behalf of Alabama that we have worked very constructively with this committee, with the chairman of the committee, the ranking member of the committee. We have dotted every i, crossed every t. That first question we answered was, our State in support of a specific project? We from the Alabama delegation worked with a delegation with the committee.

So I think many misunderstand this process and misunderstand what we have to do in order to look after certain projects in the State. I just think this is a bad way to accomplish what the sponsors of this amendment want to accomplish, and I would urge my colleagues to oppose this amendment.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I will simply close by saying read the amendment. It not only says highway construction projects, it says any highway activity, totally tying our hands to address important safety issues.

□ 1545

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota (Mr. MINGE).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. MINGE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 298, not voting 5, as follows:

[Roll No. 121]

AYES—129

Allard	Gallely	Orton
Andrews	Goss	Packard
Archer	Graham	Pelosi
Armey	Gunderson	Peterson (FL)
Ballenger	Gutknecht	Porter
Barrett (NE)	Hall (TX)	Portman
Barrett (WI)	Hancock	Pryce
Bartlett	Harman	Radanovich
Barton	Hayworth	Ramstad
Bass	Hefley	Regula
Becerra	Herger	Roemer
Bereuter	Hilleary	Rohrabacher
Bilbray	Hoekstra	Roukema
Boehner	Hoke	Royce
Bonilla	Inglis	Salmon
Brownback	Johnson, Sam	Sanford
Bunn	Johnston	Sensenbrenner
Bunning	Jones	Shadegg
Burr	Kasich	Shaw
Castle	Kennedy (MA)	Shays
Chabot	Klug	Smith (MI)
Chambliss	Knollenberg	Smith (TX)
Chenoweth	Kolbe	Smith (WA)
Christensen	Largent	Solomon
Clayton	Leach	Souder
Coleman	Lightfoot	Stark
Cooley	Linder	Stearns
Cox	Livingston	Stenholm
Crane	Luther	Stockman
Cubin	Maloney	Stump
Cunningham	Manullo	Taylor (NC)
Deal	McCrery	Thornberry
DeLay	McInnis	Thurman
Dicks	Meehan	Tiahrt
Dixon	Meyers	Torkildsen
Doggett	Miller (FL)	Walker
Everett	Minge	Watt (NC)
Foglietta	Morella	Waxman
Foley	Myrick	White
Franks (CT)	Nethercutt	Wolf
Frelinghuysen	Neumann	Yates
Funderburk	Nussle	Young (FL)
Furse	Obey	Zimmer

NOES—298

Abercrombie	Clinger	Ewing
Ackerman	Clyburn	Farr
Bachus	Coble	Fawell
Baessler	Coburn	Fazio
Baker (CA)	Collins (GA)	Fields (LA)
Baker (LA)	Collins (IL)	Fields (TX)
Baldacci	Collins (MI)	Filner
Barcia	Combest	Flake
Barr	Condit	Flanagan
Bateman	Conyers	Forbes
Beilenson	Costello	Ford
Bentsen	Coyne	Fowler
Berman	Cramer	Fox
Bevill	Crapo	Frank (MA)
Bilirakis	Creameans	Franks (NJ)
Bishop	Danner	Frisa
Bliley	Davis	Frost
Blute	de la Garza	Ganske
Boehert	DeFazio	Gejdenson
Bonior	DeLauro	Gekas
Bono	Dellums	Gephardt
Borski	Deutsch	Geren
Boucher	Diaz-Balart	Gibbons
Brewster	Dickey	Gilchrest
Browder	Dingell	Gillmor
Brown (CA)	Dooley	Gilman
Brown (FL)	Doolittle	Gonzalez
Brown (OH)	Dorman	Goodlatte
Bryant (TN)	Doyle	Goodling
Bryant (TX)	Dreier	Gordon
Burton	Duncan	Green (TX)
Buyer	Dunn	Greene (UT)
Callahan	Durbin	Greenwood
Calvert	Edwards	Gutierrez
Camp	Ehlers	Hall (OH)
Campbell	Ehrlich	Hamilton
Canady	Emerson	Hansen
Cardin	Engel	Hastert
Chapman	English	Hastings (FL)
Chrysler	Ensign	Hastings (WA)
Clay	Eshoo	Hayes
Clement	Evans	Hefner

Heineman	McHale	Sawyer
Hilliard	McHugh	Saxton
Hinchey	McIntosh	Scarborough
Hobson	McKeon	Schaefer
Holden	McKinney	Schiff
Horn	McNulty	Schroeder
Hostettler	Meek	Schumer
Houghton	Menendez	Scott
Hoyer	Metcalfe	Seastrand
Hunter	Mica	Serrano
Hutchinson	Millender	Shuster
Hyde	McDonald	Sisisky
Istook	Miller (CA)	Skaggs
Jackson (IL)	Mink	Skeen
Jacobs	Moakley	Skelton
Jefferson	Molinar	Slaughter
Johnson (CT)	Mollohan	Smith (NJ)
Johnson (SD)	Montgomery	Spence
Johnson, E. B.	Moorhead	Spratt
Kanjorski	Moran	Stokes
Kaptur	Murtha	Studds
Kelly	Myers	Stupak
Kennedy (RI)	Ney	Talent
Kennelly	Norwood	Tanner
Kildee	Oberstar	Tate
Kim	Oliver	Tauzin
King	Ortiz	Taylor (MS)
Kingston	Owens	Tejeda
Kleczka	Oxley	Thomas
Klink	Pallone	Thompson
LaFalce	Parker	Thornton
LaHood	Pastor	Torres
Lantos	Paxon	Torricelli
Latham	Payne (NJ)	Towns
LaTourette	Payne (VA)	Trafficant
Laughlin	Peterson (MN)	Upton
Lazio	Petri	Velazquez
Levin	Pickett	Vento
Lewis (CA)	Pombo	Visclosky
Lewis (GA)	Pomeroy	Volkmer
Lewis (KY)	Poshard	Vucanovich
Lincoln	Quillen	Walsh
Lipinski	Quinn	Wamp
LoBiondo	Rahall	Ward
Loftgren	Rangel	Waters
Longley	Reed	Watts (OK)
Lowey	Richardson	Weldon (FL)
Lucas	Riggs	Weldon (PA)
Manton	Rivers	Weller
Markey	Roberts	Whitfield
Martinez	Rogers	Wicker
Martini	Ros-Lehtinen	Williams
Mascara	Rose	Wise
Matsui	Roth	Woolsey
McCarthy	Roybal-Allard	Wynn
McCollum	Rush	Young (AK)
McDade	Sabo	Zeliff
McDermott	Sanders	

NOT VOTING—5

□ 1606

Messrs. BURTON of Indiana, RUSH, CONDIT, KINGSTON, LAFALCE, CREMEANS, DOOLITTLE, and Ms. MCKINNEY changed their vote from "aye" to "no."

Messrs. JONES, BILBRAY, BURR, DIXON, EVERETT, and Ms. PELOSI, MS. HARMAN, and Mr. HALL of Texas changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of the Truth in Budgeting Act.

Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act and commend its sponsor, the gentleman from Pennsylvania [Mr. SHUSTER] for his bringing this important measure to the floor.

H.R. 842 transfers the highway, aviation, inland waterways and harbor maintenance trust funds off budget and provides that trust fund balances will not be used in calculations by the Congressional Budget Office regarding the Federal budget.

This bill guarantees that transportation taxes such as, that taxes that our constituents pay when they fill up their gas tank or when they buy an airline ticket are used for their stated purpose, to improve and reinforce our country's transportation infrastructure. Currently cash balances in the transportation trust funds total \$30 billion. It is wrong that this funding is being used to mask portions of our Nation's budget deficit as opposed to upgrading our country's transportation infrastructure.

H.R. 842 is a positive step toward ensuring that our highways and airports get the help they need. According to the Congressional Budget Office this is an action that is budget neutral.

Accordingly, Mr. Chairman, I urge our colleagues to support this worthy legislation.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROYCE:

Page 3, line 10, insert "(a) IN GENERAL.—" before "Notwithstanding".

Page 4, after line 14, insert the following:

(b) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

Mr. ROYCE. Mr. Chairman, this amendment is designed to comply with the spirit of the bill by providing for a complete segregation of highway trust funds and general funds. If the Highway Trust Fund is to be dedicated strictly to transportation programs, then the general fund should be dedicated exclusively to nontransportation programs. That is what this amendment does.

This principle should be supported by both supporters and opponents of H.R. 824, and I would just share with my colleagues that taking the transportation trust funds off budget will effectively reduce the amount of discretionary funds available under the discretionary spending limits for nontransportation programs. Allowing transportation projects that should be funded through the trust funds to receive general revenues in addition to trust fund revenues will further exacerbate the squeeze on all other discretionary spending.

It is unfair to both allow transportation programs to be funded off budget outside of the discretionary caps and

also receive funds from general revenues.

I urge an aye vote on the amendment.

The CHAIRMAN. The Chair believes that the incorrect amendment has been designated.

The Clerk will report the amendment offered by the gentleman from California [Mr. ROYCE].

The Clerk read as follows:

Amendment offered by Mr. ROYCE:

At the end of section 2, insert the following:

"(c) PROHIBITION ON FUNDING TRANSPORTATION PROGRAMS FROM GENERAL REVENUE.—Subsection (a) shall no longer be effective after the last day of a fiscal year in which any amounts were made available from the general fund of the Treasury of the United States for construction, rehabilitation and maintenance of highways, except for highways under the direct supervision of a department or agency of the federal government, as determined by the Director of the Office of Management and Budget."

□ 1615

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a well-intentioned amendment, but the consequences of it go far, far beyond what is apparent.

Stop and consider, if \$1 from the general fund is spent on a highway, then the whole highway trust fund budget is thrown out. Consider, if my colleagues have a flood in their district, if they have an earthquake in their State and FEMA comes in and FEMA spends \$1 to repair the highway from the earthquake or the flood, then this amendment kicks in.

If money goes to my colleagues' local community block grant development, we no longer have any control over that money; and my colleagues' local CDBG decides to spend some of that money on a highway, then this amendment kicks in. If money goes to my colleagues' State or their local community development district, and they decide to spend \$1 on a highway, then this amendment kicks in.

So this goes far, far beyond, and for that reason I would urge its defeat.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, effectively, this amendment does the same thing as the amendment we just voted on. Effectively it is the same old thing.

Mr. SHUSTER. Sure. It is even worse in the sense that they spend \$1, FEMA spends \$1 on a flood on an emergency. They spend \$1 out there in Oklahoma City near the building that was blown up to fix up the street, and this kicks in. It really does not make much sense.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Again I point out to all the supporters of the Appalachian

Regional Commission program and Economic Development Administration program, \$1 of those moneys going to a highway project kills off-budget status for the highway trust fund.

Mr. SHUSTER. Right.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the purpose of this amendment is to say that either we have a highway trust fund that is off budget, that is dedicated to and used to fund the highway projects in the various States around this country, or we do it on the budget; and if we are going to mix general fund moneys for highway purposes with trust fund monies for highway purposes, we altogether too easily can engage in a shell game and the accounting is going to be frustrated.

So the purpose of this amendment is very simple. We are not saying that we should not use funds in the trust fund for highway purposes, we are not trying to eliminate the earmarking, the demonstration projects, such as was considered in the previous vote. We are simply saying let us have it one way or the other.

If we have a disaster, and if there are highway repairs to be made, finance the highway repairs out of the trust fund. If the trust fund is not adequate, we can look at the gasoline tax again.

But this is not an attempt to frustrate the bill. We have spoken with the appropriators. The appropriations subcommittee that has jurisdiction over transportation projects has assured us that they are not interested in somehow delving into this matter and trying to force upon this Chamber some small measure which would end up putting the trust fund back on budget.

I submit that the leadership of the committee, the Committee on Transportation and Infrastructure, is extremely capable. They will know when other committees are attempting to usurp their authority. They will identify this, they will report it to the body, and we can deal with it appropriately.

This is a situation where we are simply trying to say that we need to bring integrity to the accounting process and have the funds within the trust fund and off budget or on budget entirely.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, according to the Congressional Research Service, over \$38 billion has been spent from the general revenue on highway projects since the highway trust fund was created in 1957. These general funds have effectively masked the true cost of Federal highway spending. If these funds had been charged to the highway trust fund, arguably there would not be a surplus.

So this bill that we are going to vote on creates a firewall that would pre-

vent gas tax revenues dedicated to the trust fund from being used for any programs outside the highway trust fund; very well. Then this amendment would create a corresponding firewall preventing transportation projects from being funded by general revenues.

I ask for my colleagues' "aye" vote.

Mr. KIM. Mr. Chairman, I rise in opposition to this amendment because it prohibits general fund expenditures on transportation.

This is not fair because gas taxes pay billions of dollars into the general fund each year.

GAS TAX

If you are not going to allow general fund expenditures for highway projects, then you should send all of the gas tax money to the trust fund.

But that doesn't happen now:

Take the 18.4-cent Federal gas tax: 6.8 cents for social programs/deficit reduction, 2.5 cents for mass transit, 0.1 cents for leaking underground storage tanks and only 12 cents for highways.

Over 30 percent of the gas tax goes to deficit reduction already.

This money should go to the trust fund.

AVIATION

The aviation trust fund is paid for by a 10-percent ticket tax.

This was created to pay for airport capital improvements.

That means airports, new towers, and runways.

The trust fund was not originally designated to pay for FAA operations.

That was always supposed to come out of the general fund.

But over the years, we've taken money out of the trust fund to pay for part of the FAA's operations.

Right now, the trust fund pays for about 70 percent of FAA operations.

If this amendment passes, then we would have to raise the ticket tax.

Perhaps if the sponsor would be willing to send all the gas taxes to the trust fund then I would support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROYCE].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill?

If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and

the Harbor Maintenance Trust Fund, pursuant to the House Resolution 396, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 143, not voting 5, as follows:

[Roll No. 122]

AYES—284

Abercrombie	Coble	Frisa
Ackerman	Coburn	Frost
Allard	Collins (GA)	Funderburk
Andrews	Collins (MI)	Galleghy
Bachus	Combest	Ganske
Baessler	Conyers	Gejdenson
Baker (CA)	Cooley	Gekas
Baker (LA)	Costello	Gephardt
Baldacci	Coyne	Geren
Ballenger	Cramer	Gibbons
Barcia	Crane	Gilchrest
Barr	Crapo	Gillmor
Bartlett	Cremins	Gilman
Barton	Cubin	Gonzalez
Bass	Danner	Goodlatte
Bateman	de la Garza	Goodling
Bentsen	Deal	Gordon
Bereuter	DeFazio	Graham
Bevill	Deutsch	Green (TX)
Bilbray	Diaz-Balart	Greene (UT)
Bilirakis	Dickey	Greenwood
Bishop	Doolittle	Gunderson
Bliley	Dornan	Gutierrez
Blute	Doyle	Gutknecht
Boehlert	Dreier	Hall (TX)
Bono	Duncan	Hamilton
Borski	Dunn	Hansen
Boucher	Durbin	Harman
Brewster	Edwards	Hastert
Browder	Ehlers	Hastings (FL)
Brown (CA)	Ehrlich	Hastings (WA)
Brown (FL)	Emerson	Hayes
Bryant (TN)	Engel	Hefley
Bunn	English	Heineman
Burton	Ensign	Herger
Buyer	Evans	Hillery
Callahan	Everett	Hilliard
Calvert	Ewing	Hinche
Camp	Farr	Holden
Campbell	Fattah	Horn
Canady	Fawell	Hostettler
Cardin	Fields (TX)	Hunter
Chambliss	Filner	Hutchinson
Chapman	Flanagan	Hyde
Chenoweth	Foley	Istook
Chrysler	Forbes	Jackson (IL)
Clay	Ford	Jacobs
Clement	Fowler	Johnson (CT)
Clinger	Fox	Johnson (SD)
Clyburn	Franks (NJ)	Johnson, E. B.

Jones	Molinari
Kanjorski	Mollohan
Kaptur	Montgomery
Kelly	Moorhead
Kildee	Myers
Kim	Neumann
King	Ney
Kleczka	Norwood
Klink	Oberstar
Klug	Ortiz
LaHood	Solomon
Latham	Stupak
LaTourette	Talent
Laughlin	Tanner
Leach	Pastor
Lewis (CA)	Paxon
Lewis (GA)	Payne (NJ)
Lewis (KY)	Payne (VA)
Lightfoot	Peterson (MN)
Lincoln	Petri
Linder	Pickett
Lipinski	Pombo
LoBiondo	Pomeroy
Lofgren	Poshard
Longley	Quillen
Lowe	Quinn
Lucas	Rahall
Manton	Richardson
Martinez	Riggs
Martini	Rivers
Mascara	Roberts
McCarthy	Rohrabacher
McCollum	Ros-Lehtinen
McDermott	Rose
McHale	Roth
McHugh	Roybal-Allard
McIntosh	Rush
McKeon	Sanders
McKinney	Sawyer
McNulty	Saxton
Meek	Scarborough
Menendez	Schaefer
Metcalfe	Schiff
Mica	Schumer
Moakley	Scott

NOES—143

Archer	Hoekstra
Armey	Hoke
Barrett (NE)	Houghton
Barrett (WI)	Hoyer
Becerra	Inglis
Beilenson	Jefferson
Berman	Johnson, Sam
Boehner	Johnston
Bonilla	Kasich
Bonior	Kennedy (MA)
Brown (OH)	Kennedy (RI)
Brownback	Kennelly
Bryant (TX)	Kingston
Bunning	Knollenberg
Burr	Kolbe
Castle	LaFalce
Chabot	Lantos
Christensen	Largent
Clayton	Lazio
Coleman	Levin
Collins (IL)	Livingston
Condit	Luther
Cox	Maloney
Cunningham	Manzullo
Davis	Markey
DeLauro	Matsui
DeLay	McDade
Dellums	McInnis
Dicks	Meehan
Dingell	Meyers
Dixon	Millender
Doggett	McDonald
Dooley	Miller (CA)
Eshoo	Miller (FL)
Fazio	Minge
Fields (LA)	Mink
Flake	Moran
Foglietta	Morella
Frank (MA)	Murtha
Franks (CT)	Myrick
Frelinghuysen	Neal
Furse	Nethercutt
Goss	Nussle
Hall (OH)	Obey
Hancock	Oliver
Hayworth	Orton
Hefner	Packard
Hobson	Pelosi

Seastrand
Serrano
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Tiahrt
Pombo
Torricelli
Towns
Trafigant
Upton
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Sanders
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOT VOTING—5

Jackson-Lee (TX)	McCrery	Rangel
	Nadler	Wilson

□ 1640

Mr. STOKES and Mr. SPENCE changed their vote from "aye" to "no."

Mrs. VUCANOVICH and Ms. DUNN of Washington changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Wednesday, April 17, 1996, I was away from the floor because of a family medical emergency. Had I been present I would have voted "no" on rollcall No. 121, on H.R. 842; and on rollcall 122, final passage on H.R. 842, I would have voted "yes."

PERSONAL EXPLANATION

Ms. MILLENDER-MCDONALD. Mr. Speaker, I inadvertently voted "no" on H.R. 842 the truth-in-budgeting bill, thinking that I was voting on an amendment. Had I known that I was voting on final passage, I would have voted "yes."

PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, I missed rollcall vote 122 because I was at a meeting in a room that the bells did not ring in. Had I been here, I would have voted in the negative.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 45 legislative days within which to revise and extend their remarks on H.R. 842, the bill just passed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXPRESSING APPRECIATION FOR EFFORTS IN SUPPORT OF H.R. 842

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I want to emphasize the extraordinary bipartisan support on this extraordinary victory here. Without the gentleman from Minnesota [Mr. OBERSTAR] and his colleagues, this simply never could have happened.

Beyond that, however, this has been a battle that we have been dedicated to for so many years, that there are many

former chairmen and ranking members of our committee who I know, those who are still alive have to be smiling, and those who are up there looking down have to be smiling as well.

On our side Bill Harsha, Don Clausen, Gene Snyder, John Paul Hamerschmidt, Jim Howard, God bless him, Glen Anderson, Bob Roe, Norm Mineta, they all contributed to this victory today, and I thank them.

□ 1645.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I want to pay tribute, well deserved tribute to the gentleman from Pennsylvania for the leadership he has exhibited on this issue. He has worked tirelessly, brought together a coalition of people of different fiscal views on this issue, geographic views on this issue and brought them together to understand and to pass this very, very important, as the gentleman has stated, long-standing legislation. He has marshaled an extraordinary outpouring of support for a principle that will reestablish the trust of people in Government. The impact reaches far beyond this bill. For that, I salute our chairman.

Mr. SHUSTER. I thank the gentleman.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 735, COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104-522) on the resolution (H. Res. 405) waiving points of order against the conference report to accompany the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes, which was referred to the House Calendar and ordered to be printed.

1995 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I transmit herewith the 1995 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals

in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 17, 1996.

1995 ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Economic and Educational Opportunities:

To the Congress of the United States:

I am pleased to present to you the 1995 Annual Report of the National Endowment for the Humanities (NEH). For 30 years, this Federal agency has given Americans great opportunities to explore and share with each other our country's vibrant and diverse cultural heritage. Its work supports an impressive array of humanities projects.

These projects have mined every corner of our tradition, unearthing all the distinct and different voices, emotions, and ideas that together make up what is a uniquely American culture. In 1995, they ranged from an award-winning television documentary on President Franklin Delano Roosevelt, the radio production *Wade in the Water*, to preservation projects that will rescue 750,000 important books from obscurity and archive small community newspapers from every State in the Union. *Pandora's Box*, a traveling museum exhibit of women and myth in classical Greece, drew thousands of people.

The humanities have long helped Americans bridge differences, learn to appreciate one another, shore up the foundations of our democracy, and build strong and vital institutions across our country. At a time when our society faces new and profound challenges, when so many Americans feel insecure in the face of change, the presence and accessibility of the humanities in all our lives can be a powerful source of our renewal and our unity as we move forward into the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 17, 1996.

HOW SERIOUS ARE WE?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, 8 days ago I stood in the Oval Office as the President signed into law the historic line-item veto. But how serious is the Washington establishment when it comes to enforcing real change?

Today we read the first of what is likely to be many advertisements for

Washington insiders pitching a seminar on how to circumvent the line-item veto. For a mere \$245, people whose business it is to secure Federal money can learn, among other things:

What can be done to insulate an appropriation, entitlement or tax provision from a line-item veto.

The law hasn't even gone into effect, and already people are seeking ways around it. And, later today, we consider a bill to take an entire category of Federal spending off budget, beyond the reach of the line-item veto.

Mr. Speaker, we crafted a tough and workable line-item veto to control runaway Government spending. How serious are we? I guess Americans will have to watch and see.

Mr. Speaker, I provide for the RECORD the advertisement referred to:

[From the Congress Daily, Apr. 17, 1996]

(Price Waterhouse LLP—Presents)

THE LINE-ITEM VETO: HOW IT WILL AFFECT APPROPRIATIONS, ENTITLEMENTS, AND TAXES THE EXECUTIVE SEMINAR YOU NEED TO ATTEND!

Budget and political analysts are calling the line item veto the most significant revision in the legislative process since Gramm-Rudman-Hollings. Many are predicting that it will require substantial changes in the way people in Washington conduct business.

Price Waterhouse LLP's highly respected budget and tax professionals will provide you with what you need to know about the line item veto when you need to know it—NOW! During this solid, no fluff, half-briefing you will learn how the line item veto will work, including answers to these key questions:

Which appropriations or parts of appropriations will be subject to a line item veto?

Who will determine which tax provisions are vulnerable?

What does the law mean when it said that only "new" entitlements will be subject to a line item veto?

How can Congress disallow or override a line item veto?

What can be done to insulate an appropriation, entitlement, or tax provision from a line item veto?

What role will OMB, CBO, and the Joint Committee on Taxation play in the line item veto process?

All of this and much more in just a half day . . . you'll be back in your office in time for lunch. And at only \$245 per person (with a substantial discount for more than 4 people from the same organization), this special executive briefing is the easiest and least expensive way for you to learn what you need to know about the new challenges and opportunities the line item veto will create for you and your association or company.

Price Waterhouse LLP's

Line Item-Veto Executive Seminar

Wednesday, May 8, 1996—8:30 a.m. to 11:30 a.m.

Continental Breakfast Starting at 7:30 a.m. Hyatt Regency Hotel On Capitol Hill, Washington D.C.

To Register, Or For a Copy Of The Full Agenda Call (202) 414-1757

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of May 12, 1995, and

under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING SUCCESSFUL TEEN PREGNANCY PREVENTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the current debate on welfare reform is accelerating the need to address the issue of out-of-wedlock teen births.

We want to "end welfare as we know it." But, I am afraid we will replace it with welfare as we do not want to know it.

We do not want to enact legislation that leads to a policy of national child abandonment.

Our current social crisis evolved over several generations. Consequently, we must realize that we cannot break this intergenerational cycle or eliminate the crisis overnight.

To break the cycle of teen pregnancy and poverty, we must implement pregnancy prevention programs that educate and support school age youths—10-21—in high risk situations and their family members through comprehensive social and health services, with an emphasis on pregnancy prevention.

I strongly support abstinence education and feel that it is critically important to fund abstinence programs for preteens as well as teenagers. Within 5 years, a concentrated abstinence program for preteens should bring about a decline in the number of teenagers who are sexually active.

However, we cannot ignore the fact that today so many of our teenagers are already sexually active with or without our permission. It is therefore imperative that we also provide funding for contraceptive prevention programs for them.

This evening, I wish to recognize a program in my district that exemplifies the kind of comprehensive social and health services that high risk teenagers need.

For over 13 years, the Division of Adolescent Health Services of Greene County has developed and implemented programs to help teenagers meet and successfully avoid the pitfalls of juvenile delinquency, child abuse, school drop outs, and teen pregnancy. In the past 2 years the program has expanded its services to include primary health care to improve health status of teenagers and to influence healthier behavior and lifestyles. A certified physician's assistant furnishes on-site treatment of acute illnesses, minor injuries, and developmental screenings as well as age-appropriate health education such as nutrition, diet, and personal hygiene.

In addition, early intervention is provided for sexually active teens and

teens with alcohol and substance abuse problems.

Other on-site services include: individual counseling, mental health prevention, first aid and family life classes—along with an array of other health and social services.

Off-site referrals are made for family planning with a tracking system to assure follow-up.

The program was started to provide a foundation of support for young teens as they encounter life's changes.

One of the strongest components in this foundation is the TAP Club—Teens Against Pregnancy. Membership is open to all girls in grades 9-12, with membership dues of \$5 per year.

Another key component is the Teen Advisory Board. Adults do not view the world from a teenage perspective, therefore, they may not always know what is best for teens. Realizing this, the Green County Program established a Teen Advisory Board in 1985.

Ms. Helen Hill serves as the director of the Division of Adolescent Health Services of Greene County. From the beginning, she has been a guiding force through both the planning stage, and the implementation stages, and for over 13 years has successfully run the program that is known throughout North Carolina as the original school-based health model. It is also known as a program that truly works.

She not only has improved the quality of life and enhanced the opportunities of the county's teenagers but her efforts have meant a better quality of life for all Greene County's citizens. At the same time she has saved county, State, and Federal Government funds. She has saved the taxpayers money. Ms. Helen deserves our applause.

True welfare reform should end the need for monetary benefits if it eliminates programs and funding. A small percentage of the total funding currently paid to teen parents should be earmarked for contraceptive prevention programs. Every dollar spent on contraceptive prevention will be multiplied many times over in the Federal tax dollars that will be saved by preventing teen pregnancy.

The Division of Adolescent Health Services of Greene County is a shining example of what we can do.

Mr. Speaker, this is truly an outstanding program and I recommend it for all my colleagues.

Mr. ROEMER. Mr. Speaker, each year more than one million teenage girls become pregnant. Four out of 10 will become pregnant before the age of 20 with half of them giving birth and very few marrying the father. These numbers pose a serious problem not only to the young parents and the child, but to the larger community as well.

There are a number of programs working to assist young mothers and their children, including financial as-

sistance and child care. These are important programs and we must continue to improve them. What we must also do is begin to more adequately address the issue of how to keep teenagers from becoming pregnant. As the old saying goes, "An ounce of prevention is worth a pound of cure." While we will never erase teen pregnancy completely, it is essential to create successful prevention programs.

In an environment of shrinking Federal Government involvement, State and local governments must begin to work in conjunction with their communities to provide the programs necessary to assist young teens in making responsible life choices. In response to this trend, the Progressive Policy Institute in cooperation with the Democratic Leadership Council has developed a seven part framework to help communities and local governments better understand the problem and begin to solve it. While this framework does not have all the answers, it provides a basic format on which to build successful programs catering to the needs of a particular locale.

The seven strategies are 1. Build state and local coalitions 2. Launch a sustained campaign to change attitudes. 3. Second chance homes for teen mothers. 4. Hold fathers accountable, and value their contributions to their children. 5. Crack down on sexual predators. 6. Reform foster care and adoption laws. 7. Create opportunities and incentives for young people at risk of becoming parents too soon.

Local communities can play a vital role in the actions and attitudes of young teens. Support from schools, churches, and civic organizations can offer both assistance and alternatives to teens. Each community must decide where to focus its attention; whether through education, offering part-time jobs, more after school activities, or mentoring programs. A number of communities already have resources in place, such as the Boys and Girls Club or 4-H. We need to draw from those resources, learn from them, and make them more effective.

I know that if all levels of government, various organizations, communities, and the public at large pull together, we can begin to address this important issue. Parenthood is an exceptionally important responsibility and we must prevent or delay that responsibility until teens are mature enough to accept it and the wonders that accompany it.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am proud to join my colleagues in celebrating the efforts of communities across the country in fighting teen pregnancy. At a time when we are constantly bombarded with dismal statistics on teenage births, it is particularly important to recognize those individuals who have stopped talking about teen pregnancy prevention and have committed to action. The Latino Peer Council in my State of

Rhode Island is a shining example of this commitment to action. Together, these young men and women are reaching out to the students who will follow in their footsteps in striving for better, brighter futures.

The Latino Peer Council was initiated in the summer of 1994 as the State was facing the highest teen birthrate in the Northeast. With teenage pregnancies particularly prevalent within the Latino- and African-American communities in Rhode Island, the Latino Council was developed to focus upon the specific needs of Hispanic families. The council is comprised of eight high school students who are trained by community educators to inform and educate their peers, teachers, and parents on teenage pregnancy, sexually transmitted diseases, AIDS, safe sex, birth control, relationships and abstinence.

Using humorous skits and lively discussions, the peer educators have effectively touched their fellow youths in the community. Through their leadership, they set an example not only to Latino teenagers but all young adults from every ethnic and racial background. At the same time, these students are cultivating leadership skills that will carry them throughout school, their careers and their lives. The Peer Educators build their confidence and develop a strong sense of self while engaging in public speaking and community education.

The Latino Peer Council is effective because of its innovative approach to tackling unplanned pregnancy. Shunning antique methods of teaching sexual health and awareness, the council presents teens as competent, responsible, intelligent leaders that share similar experiences with those whom they are educating. Teens are communicating with other teens about the issues and concerns that they face growing up in today's world. In this Congress we have heard a lot about "personal responsibility." I am proud to recognize today a group of teenagers talking, educating and taking responsibility not only for themselves, but for an entire generation.

Efforts like those of the peer educators are essential to building bridges between youngsters and adults that will ensure that the next generation is successful both personally and professionally. Keeping the lines of communication open between teens and adults is crucial to effective pregnancy prevention and family planning. If adults and teens can share, communicate and most importantly, understand one another, half of the battle has been won. I am proud of the Latino Peer Council for rising to the occasion. I urge other communities to start listening to their young people and working with them to put an end to teen pregnancy.

I would also like to salute the teen pregnancy prevention initiatives of Thundermist Health Clinic in Woonsocket, RI. Services like the Health Hut that provides family planning services to pre-teens at Woonsocket Middle School to the Mentoring Program that coaches and guides young mothers not to repeat their mistakes, are strengthening families and the greater community.

I want to thank the gentlewoman from North Carolina for highlighting this important issue and for providing us the opportunity to focus on the strengths of our youngsters—an area that receives too little attention.

Mrs. MORELLA. Mr. Speaker, members on both sides of the aisle and on both sides of the choice issue agree that we must reduce teenage pregnancy. Its costs are enormous; it is costly to the Government, costly to the futures of the young mothers, and costly to our society. It is clear that reducing teenage pregnancy will only be successful when parents, educators, community leaders, the business community and Congress make a serious commitment and become involved.

Costs associated with teenage pregnancy drain limited Federal, State and local resources. Each year, more than one million American teenage girls become pregnant. The teenage pregnancy rate for women under 20 has increased by more than 20 percent since 1970. Teenage mothers are more likely to be uneducated, unskilled and unmarried. Their children are at higher risk for prematurity, low-birth weight and birth defects.

Women who bear children outside of marriage and meet income requirements are eligible for AFDC benefits, food stamps, Medicaid, housing assistance and other benefits, and teenage mothers are particularly likely to need these benefits.

And what about the costs to the teenagers themselves? The opportunities forgone to teens who become pregnant are enormous. Certainly many career paths become nearly impossible for a teenage mother to attain. High school graduation becomes less important than the children's daily needs; teenage mothers have a 60 percent chance of graduating from high school by age 25, compared to 90 percent of those who postpone childbearing. The economic situation of most teenage mothers is such that most find themselves limited to low-income neighborhoods that are less likely to have good schools, safe drug-free streets and positive role models. And we know that teenage mothers are the most likely to the single parents and have an especially difficult time collecting child support.

Teenage pregnancy is costly to society in terms of lost productivity and in terms of the cycle of dependency that is passed on from generation to generation. Teens from poorer families are more likely to initiate sexual intercourse at a younger age and less likely to use contraception.

What should we do? It is clear to me that Congress does not have all of the answers, and cannot provide help where it is needed most: at home and in the community.

One example of effective community involvement is Best Friends, an organization designed to reduce teenage pregnancy. I have met with Elayne Bennett, the founder of the Best Friends, and she shared many encouraging stories with me. In 29 public schools across the country, including schools in Montgomery County, MD, the Best Friends Program has been a wonderful success. Of the 600 Washington girls who have participate for 2 years or more, 1.1 percent, have become pregnant, as opposed to the 25 percent city-wide rate for girls 13 to 18. The Best Friends Program is not a quick fix. It works because its mentors make a long-term investment in junior high and high school girls, taking them on outings, teaching them new skills, and going to weekly classes with them. The Best Friends Program builds teenage girls' self-con-

fidence and teaches them that there are other options.

The Federal Government does, however, have an important role to play in the area of education, girls' sports, and community activities. These things all play an important role in reducing teenage pregnancy because they build self-esteem and present young girls with options for the future, making them much more likely to avoid teen pregnancy.

We have spent a significant amount of time this Congress debating welfare reform—deciding how limited resources should be used and how to most effectively move AFDC recipients from welfare to work. Reducing teen pregnancy must be part of the solution, and indeed, it has been a part of the debate—but few constructive solutions have emerged. Some Members advocate a family cap, a provision to deny benefits to welfare recipients who have additional children while on welfare.

Despite the heated debate over illegitimacy that we have heard in the context of welfare reform, answering the question of whether the welfare system increases nonmarital childbearing is very difficult. Some studies have shown that welfare has no effect on nonmarital childbearing while others have shown significant effects. Whether or not Government benefits actually lead to an increase in teen pregnancies, we do know that the teenage pregnancies that occur—for whatever the reason—are very expensive. While curbing teen pregnancy certainly needs to be addressed in the context of welfare reform, these punitive solutions are not the answer. Mr. Speaker, we have not spent enough time developing real solutions to reducing teenage pregnancy—solutions that involve prevention strategies, education and self-esteem building, community partnerships, and family planning.

We must also improve and increase efforts at the Federal level to prevent teenage pregnancy. There are very few Federal programs to reduce teenage pregnancy, and they are not comprehensive. Fully funding the title X Family Planning Program is one of the most direct ways that Congress can help prevent unintended pregnancies; publicly subsidized family planning services prevent an estimated 1.2 million unintended pregnancies annually in the United States. Title X, however, directs its dollars to critical health services for women of all ages, and only 20 percent goes toward adolescents. Although title X was threatened during the fiscal year 1996 appropriations process, a majority of Members recognized how important it is. No title X funds can be used for abortion services; clinics have always been prohibited from using title X funds for abortions. What title X does do is provide quality health care for low-income women—including teenagers—who are at risk of becoming pregnant. The Centers for Disease Control also has small grant to implement 13 community projects to examine ways to reduce teenage pregnancies, but its effects have been limited due to its size. The Adolescent and Family Life Act provides a small grant that goes toward care and parenting for adolescent mothers and adoption assistance, but most of the money goes toward an abstinence-only education. These programs help, but clearly they are not enough.

Adolescent pregnancy prevention is not only about family planning. We must examine the

reasons teenage girls become pregnant. What is it about our society that makes teenage girls think that to be loved, they must have a child of their own? Why do so many girls think that no opportunities worth waiting to have children will be available to them? Surely we can do better. Educational opportunities build self-esteem, as do girls' sports and community activities. Improving our education system, building our communities, increasing job opportunities, and giving young girls something to look forward to all will reduce teen pregnancy.

We all share the responsibility for preventing teen pregnancies. Parents, communities, religious organizations, State and local governments all have an important role to play, and many are making important progress toward reducing teen pregnancies.

Each year in Maryland over 8,500 adolescents give birth. I applaud the work done by the Governor's Council on Adolescent Pregnancy to combat this problem. The council promotes the reduction of unplanned adolescent pregnancies through strategies carried out in collaboration with state and local agencies and private and no profit groups. A sustained media campaign, including television, radio, and print media has been an integral part of efforts to raise awareness about adolescent pregnancy. Maryland has also developed programs to help teen parents prevent further early childbearing and programs to help teenage parents learn parenting skills and continue their education. It is important that we don't only focus on prevention, but focus on helping teenage parents improve their lives.

I applaud the efforts of the bipartisan National Campaign To Reduce Teenage Pregnancy, and I hope their recommendations provide new ideas and energy. I look forward to a hearing at the end of the month on teenage pregnancy in the Government Reform and Oversight's Human Resources Subcommittee.

This is only the beginning of a dialog between the Congress, our communities, state and local governments and educators about how to reduce teen pregnancy. We know that providing teens with a solid education, teaching them how to avoid pregnancy and giving them hope for the future works. Now we must work together to achieve these goals.

A TRIBUTE TO RUSH LIMBAUGH, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, I rise today to pay tribute to a distinguished and gentle man from southeast Missouri, a man who embodied what is right and good about this great Nation, Rush Hudson Limbaugh, Sr., a gentle man who earned the affectionate distinction, patriarch of southeast Missouri.

Mr. Limbaugh passed away last week at the honorable age of 104 in his Cape Girardeau home of Sylvan Lane. He had a long and valuable life. His passing will inevitably leave a tremendous void. He was a dear friend and mentor

of mine, and of countless others, from all walks of life.

What made Mr. Limbaugh such a special person was his uniquely simple character. Those who had the privilege to come in contact with him certainly were amazed at his breadth of knowledge and command of oratory skills. No question, Rush Hudson Limbaugh Sr. was a living testament to the American dream. But he was without pretense, truly a humble man, a devout Republican and a very committed democrat.

Born in rural Bollinger County, about 90 miles southwest of St. Louis, Mr. Limbaugh was the product of a one-room primary school. As with everything he approached in life, he excelled in his education. In fact, through diligence, organization, and keen focus, he put himself through high school, paying most of his expenses by doing carpenter work and farm labor. Following high school, he went to college at the University of Missouri at Columbia. His work on the university farm and various odd jobs, such as firing furnaces, carpentry, waiting tables, caring for animals, and assisting a Methodist minister all helped to foot the bill for his continuing education.

He always stressed that the more you can learn, the better off you would be. His list of personal accomplishments help to prove that he was indeed a man who lived by his own words and convictions. He prepared himself well, worked hard, and made his family, community, and country proud.

Among his most notable achievements, Mr. Limbaugh left this world last week as the oldest practicing attorney in the United States. That's right, at 104 years of age, Rush Hudson Limbaugh Sr. still went into the office at least twice a week to the Limbaugh, Russell, Payne and Howard law firm that he founded 50 years ago in Cape Girardeau. To help put his 80 years of service in perspective, he started practicing law in 1916 at the age of 24 when Woodrow Wilson was President.

Not only was Mr. Limbaugh a scholar in the law, but also in history, in political theory and Judeo-Christian tradition. He and I shared a pleasure of never-endingly researching Abraham Lincoln. When we would get together, inevitably a discussion about Lincoln would come up, and we both looked forward to swapping new stories or novel tales about our Nation's 16th President.

I would be remiss if I didn't mention Mr. Limbaugh's many contributions to our community and our Nation. He was a servant of the Methodist church, the Boy Scouts, and the Salvation Army among others. In 1958, one of his personal highlights came when the U.S. State Department invited him to lecture in a newly liberated India before lawyers, judges, and university students about constitutional government

and the American judicial system. They were so impressed with his commentary and remarks that the All India Law Teachers Association subsequently honored him.

We will all dearly miss Mr. Limbaugh, the patriarch of the Limbaugh family, of Cape Girardeau and of southeast Missouri. Many folks know about his now famous national radio talk show grandson, Rush Limbaugh III. "Pop," as his family would call him, also is responsible for the great legal legacy of Limbaugh lawyers whom include son, a U.S. District Judge, a grandson, Justice of the Missouri Supreme Court, another grandson, a prominent attorney in southeast Missouri and throughout the Midwest, a son and grandchildren who are educators.

Throughout his extraordinary life, he was always true to his roots—hard working, composed, dedicated, and most of all humble. His life and character epitomize that America is the land of opportunity for those who have the heart and the will to make the most of it.

Rush Hudson Limbaugh Sr. was indeed a legend in his time.

[From the Southeast Missourian]

400 ATTEND LIMBAUGH FUNERAL

(By Chuck Miller)

The patriarch of the Limbaugh family was laid to rest Thursday afternoon next to his bride, who died almost 19 years before him.

For the most part, the funeral service for Rush Hudson Limbaugh Sr. was of typical United Methodist fanfare, probably the way the Limbaugh would have wanted it. The most extraordinary aspects of the service were the cross-section of people that paid their last respects and the "van loads" of flowers sent in remembrance of a man whose legal career spanned more years than most people's lives.

Limbaugh, 104, died Monday, April 8, 1996, at his home on Sylvan Lane. He practiced law for more than 80 years.

State officials, judges, community leaders and others—about 400 people in all—gathered at Centenary United Methodist Church for the service. The minister, the Rev. Dr. Neil Stein, delivered the eulogy.

Besides the eulogy, a violinist began the service, a soloist sang a Christian hymn and a trumpeter performed "Amazing Grace." It was a relatively simple service for a man who gained international fame as a lawyer and who lived through the Space Age and witnessed this country fight six wars. But Limbaugh enjoyed living a simple life in Cape Girardeau.

In addition to family members such as a U.S. district judge and nationally known radio and TV talkshow host, Secretary of State Bekki Cook, a former associate in the law firm Limbaugh founded, and State Auditor Margaret Kelly attended the ceremony.

Three justices from the Missouri Supreme Court also attended the service. One of the justices, Stephen N. Limbaugh Jr., was bidding farewell to his grandfather. Chief Justice John Holstein and Justice William Price also paid their respects.

A host of other officials from state representatives and senators to city leaders and lawyers also attended.

"No one can really tell the story of the life of Rush Hudson Limbaugh," Stein said. "He

joined this church in 1911, before most of us came into being."

The minister said Limbaugh was a man who made everything—family, clients and God—take center stage in his life. "A grandson told me that Pop—that's what everyone called him—made each of them feel they were the most important one in his life," he said.

"Even though he is gone physically," Stein said, "it makes no sense to stop living up to his standard."

Limbaugh lived a long and quality life, Stein said, because of his ability to adapt to new things. "Most people resist change, but Rush never aged," he said.

The minister quoted a line from a book Limbaugh wrote but never published about his life with his wife, Bee. "On the night of her death, he wrote, 'For the first time in 63 years I was utterly alone except for the memories of the greatest soul I had ever known,'" said Stein.

A long funeral procession to Lorimer Cemetery followed the service.

[From the Southeast Missourian]

RUSH H. LIMBAUGH DIES AT AGE OF 104

(By Jay Eastick)

In 1902, on a small farm along the Little Muddy Creek in Bollinger County, a passion for the law first stirred in a 10-year-old boy.

A Daniel Webster oration the boy memorized had inspired him to become a lawyer. Fourteen years later, he set out on a legal career that spanned eight decades.

On Monday, the lifetime love affair between the man and the law ended.

Rush Hudson Limbaugh, one of Cape Girardeau's favorite sons and the nation's oldest practicing lawyer, died Monday afternoon at his home at 635 Sylvan Lane. He was 104.

Funeral arrangements are pending at Ford and Sons Mt. Auburn Chapel in Cape Girardeau.

Limbaugh's interest in law never waned and even in recent months, he headed into work about twice a week at the Limbaugh, Russell, Payne and Howard law firm that he founded 50 years ago in Cape Girardeau.

His love of the law now is a family legacy. His son Rush H. Limbaugh Jr., who died in 1990, practiced law with him, along with another son, Stephen N. Limbaugh, who now is a federal judge in St. Louis.

Stephen practiced law with his father for 30 years before President Ronald Reagan appointed him to the federal bench.

"I remember him most of all as a tremendous inspiration as a lawyer and a teacher, not only from a professional point of view, but in our relationship as well," Stephen said Monday.

He always has been most impressed with his father's even temperament. Although he could be a "very fiery advocate" for his clients, the elder Limbaugh was able always to maintain his composure and craft solutions to legal quandaries, Stephen said.

Despite his own stellar legal career, Stephen said he "couldn't possibly ever measure up" to his father's stature.

The Limbaugh legal legacy extends to a third generation.

Four of his grandsons followed in his footsteps and pursued legal careers. John and Dan, sons of Rush's son, Manley, both are lawyers. Stephen's son, Stephen Jr., now is a Missouri Supreme Court judge, and Rush Jr.'s son, David, practices law at the firm his grandfather started.

David said his grandfather wouldn't want his family boasting about him. "But he was

an extraordinary man, exemplary in every way, yet very humble," he said.

"He was a devoted Christian, a lawyer's lawyer, a community servant and a gentle and kind man whose family was the very center of his life.

David said the loss of his grandfather was "made easier with the knowledge that he led a rich and fulfilling life and that he is now residing in a happier, more peaceful place."

Rush Limbaugh's oratorical skills were passed down to his most famous progeny, Rush H. Limbaugh III, who hosts the nation's most-listened to radio talk show as well as a syndicated half-hour television show. He also is the author of two best-selling books.

By any measure, Rush Limbaugh's was a full life. His vita runs to several pages and reflects a commitment to excellence and the highest code of legal ethics.

He was known by his peers as a superb lawyer. More than that, he is remembered by those who knew him as an uncommon man, someone who combined public distinction with private character.

And so colleagues, when asked to name Limbaugh's achievements, are as likely to point to his work as a Sunday school teacher or scout leader as they are to his many career distinctions.

A former president of the Missouri Bar, charter member of the Missouri Bar Foundation and member of the American Bar Foundation, among other professional organizations, Limbaugh also was a member of the Cape Girardeau Board of Education, the Salvation Army Advisory Board and was chairman of the Cape Girardeau County Republican Committee.

He had been honored by the American Security Council, the All India Law Teachers Association, and the University of Missouri. He also was named "Mr. Cape Girardeau" by the Golden Eagles Marching Band of Southeast Missouri State University, and was an Honorary Citizen of "Father Flanagan's Boy's Town."

In 1985, then Missouri Gov. John Ashcroft declared May 17 "Rush H. Limbaugh Day" in the state in honor of the Cape Girardeau lawyer.

At a dinner that night, President Reagan remarked in a letter that Limbaugh's contributions "read like a virtual who's who of accomplishment." U.S. Supreme Court Justice Lewis Powell called Limbaugh a "great credit of the legal profession."

Ashcroft, now a U.S. Senator from Missouri, said Monday that Limbaugh "set an example" for all who knew him.

"Rush Limbaugh exemplified the character, commitment and vision that has led this great state from the 1900s through the Great Depression, up until today," Ashcroft said. "He understood the promise of America because he embodied it."

One of the highlights of his career came in 1958, when the U.S. State Department invited Limbaugh to lecture in a newly liberated India before lawyers, judges and university students on the subject of constitutional government and the American judicial system.

The product of a one-room primary school in rural Bollinger County, Limbaugh attended Millersville High School before transferring to the Normal School in Cape Girardeau, where he paid most of his expenses doing carpenter work and farm labor.

At Normal School, he was elected to the Benton Literary Society, for which he won numerous oration and debating awards. In 1912, he was awarded the gold medal for par-

ticipation in the Interstate Normal Oratorical Contest at Emporia, Kan.

He paid his way through college at the University of Missouri at Columbia by working on the university farm and various odd jobs—firing furnaces, carpenter work, waiting tables, caring for animals and assisting a Methodist minister.

At college, his oratory skills won him more awards and helped to hone the skills he later would employ in the courtroom.

He argued more than 60 cases before the Missouri Supreme Court and many prominent civil cases, Limbaugh was a specialist in probate law and helped draft the 1955 Probate Code of Missouri.

Limbaugh also tried cases before the Interstate Commerce Commission, the U.S. Labor Board, the Internal Revenue Appellate Division and trial and appellate agencies of the U.S. Coast Guard.

[From the Southeast Missourian, April 9, 1996]

COLLEAGUES CALL LIMBAUGH A LAWYER'S LAWYER

(By Chuck Miller)

Friends and colleagues of Rush Hudson Limbaugh, 104, said within hours of his death that other people should measure their personal and professional lives by the standard he lived by.

A Cape Girardeau Icon who also achieved international fame as a lawyer touting American jurisprudence abroad, Limbaugh died Monday afternoon.

"It's a sad day for Cape Girardeau," said U.S. Rep. Bill Emerson. "Mr. Limbaugh had a long and valuable life. His passing will inevitably leave a tremendous void. He was a dear friend and mentor of mine."

Emerson said he and Limbaugh shared a hobby of researching Abraham Lincoln. When the two men would meet, they would swap a new story about America's 16th president. "That was one thing we looked forward to," he said.

Emerson said one of his fondest memories always will be the dedication of a new school in Winona. The federal government funded half of the project, he said, and a Winona banker, represented by Limbaugh at age 96, funded the other half of the project.

"So it was Rush Limbaugh and Bill Emerson on the back of a flatbed truck for the dedication," he said. "And he made the most remarkable, beautiful statement: He was quoting off the top of his head about the importance of a public education. He just wove it together so beautifully."

"He was a legend in his time."

Cape Girardeau Mayor Al Spalding III said Limbaugh "made" Cape Girardeau in many ways.

"He put us on the map in a lot of respects," he said. "We hate to see his passing. He paid his dues and helped a lot of young attorneys over the years, which we're all grateful for."

A man devoted to his wife, community and his career was how John Blue, the former managing editor of the Southeast Missourian, described Limbaugh.

"He was president of the Rotary when I joined in 1949," Blue said. "He was one of our better presidents. He also was a top lawyer and a great orator. There was no hemming or hawing with him; it was just forthright speech."

Blue credited Cape Girardeau's growth in the 1920s and 1930s to Limbaugh the community leader. "We experienced phenomenal growth then, and he was responsible for that," he said.

Al Lowes, a Cape Girardeau attorney, landed Limbaugh, a past president of the Missouri Bar as a lawyer's lawyer.

"He was a top-notch, all-around lawyer," he said. "He was extremely hardworking and ethical. He was really the epitome of what a lawyer ought to be."

Lowes said other aspiring lawyers should look to Limbaugh and his career when entering the profession. "You just couldn't have asked for a finer man to have been a lawyer," he said.

Another attorney, former state Sen. Al Spradling Jr., agreed: "He has to be one of the most outstanding lawyers that Cape Girardeau ever had. He had more honors bestowed upon him than any other lawyer in Southeast Missouri. He was honored by the Missouri Bar more than any attorney in Southeast Missouri."

Spradling said before he ever went to law school he was a gopher for the only meeting of the Missouri Bar held in Cape Girardeau.

"He was responsible for the Missouri Bar having a meeting in Cape Girardeau because he was president," he said. "It was the first and the last time the Missouri Bar has had a meeting here."

In addition to achieving the top spot in the Missouri Bar, Limbaugh also was a special envoy to India, touting American jurisprudence to that nation during President Dwight Eisenhower's administration.

But even though his legal career took him around the world, he continued to reside in Cape Girardeau where his law practice began in 1916.

Don Thomasson, another Cape Girardeau attorney, said he met Limbaugh in 1953 while serving as prosecutor in Marble Hill.

"I saw him sitting in Ward's Cafe," he said. "I thought he was God. He was such a gentleman and a great attorney."

Thomasson said he remembered speaking at a celebration a decade ago honoring Limbaugh for 75 years of practicing law.

"A few of us said some good words about Mr. Rush," he said, "and then he spoke. He sounded far more intelligent than any of us."

Morley Swingle, the Cape Girardeau County prosecutor, asked Limbaugh for help while compiling photographs and biographical sketches of every prosecutor who served in Cape Girardeau County, a position created in 1886.

"Rush Limbaugh personally knew every single prosecuting attorney," he said.

Swingle said he didn't have a picture for one of the prosecutors, Robert Whitelaw, who served in the late 1890s. But he did have a picture of a group of unknown county officials taken about the same time as Whitelaw was prosecutor.

"I took the photograph to Mr. Limbaugh," he said. "He got his magnifying glass out, looked at the picture and said, 'No, he's not in this batch.'"

Swingle said Limbaugh was an influence on his life because of his love for the law and the court system.

"He also was the very epitome of what one strives to be as a public speaker," he said.

[From the Southeast Missourian, April 10, 1996]

RUSH LIMBAUGH: A LIFE OF SERVICE TO CITY, COUNTRY

A decade or so ago, a high-ranking resident of Washington, D.C., was visiting relatives in Cape Girardeau. His hosts insisted on taking him to meet Cape's most distinguished citizen, Rush Hudson Limbaugh, Sr. When the visiting chief of staff to a U.S. senator met the elderly gentleman, who graciously re-

ceived him at home, Limbaugh inquired as to his guest's hometown. "Oh, you won't know it—you can't possibly have heard of it," responded the visitor. "I'm from a little town in upstate New York." Limbaugh pressed his visitor for the name. Told the answer, he descended upon his visitor with encyclopedic thoroughness, delivering a detailed rendition of the strategic importance of that town in the Revolutionary War, how it related to the world-decisive Battle of Saratoga, and what this meant in the war for American independence. Awestruck—having heard facts about his own hometown he didn't know—the visitor departed, shaking his head in amazement. Longtime friends of Limbaugh will understand the visitor's reaction. Among people who have had the privilege of knowing him these many years, astonishment and amazement long ago became commonplace.

"Pop," said a certain nationally syndicated radio talk show host to a rare studio guest four and a half years ago, "Who was president the year you were born?" "Benjamin Harrison," came the reply, without a second's hesitation. When he was a guest on his grandson's national radio show that afternoon in September 1991 on the occasion of his 100th birthday, Limbaugh was rounding out only his first century. He was still going to the office and billing hours as the nation's oldest practicing attorney. That broadcast originated from Kansas City because Limbaugh was there with family to attend the annual meeting of the Missouri Bar Association, of which he and a son were former presidents.

A NATIONAL TREASURE

On that centennial, in a firm voice that belied his years, Limbaugh continued, describing to an astonished national audience a boyhood devotion to his first contemporary political hero: Teddy Roosevelt. On in detail Limbaugh went, describing what a heroic figure TR was, how crucial his decisive action in sending the American naval fleet worldwide, what this meant for an America beginning to emerge from 19th century isolation into the first rank of world powers, and why, therefore he, Limbaugh, followed the magnificent TR out of the Republican Party to join the Bull Moose insurgency in the great campaign of 1912. Through a living, breathing history text was an audience of millions introduced to a national treasure whom we here in Missouri, and especially Cape Girardeau, had long valued so highly.

Glowingly, the accolades pour in—from judges, congressmen, senators, fellow members of the bar, Rotarians, friends far and wide. Family man as brother, husband, father, grandfather, great-grandfather. Author of a legal textbook and of numerous articles. Accomplished orator. Leading Methodist layman and Sunday School teacher. Paul Harris Fellow of Rotary International. Life emeritus trustee of the Missouri Historical Society and its former president. Patriarch of a family of lawyers and Republicans. Limbaugh was a scholar in the law, in history, in political theory and in the Judeo-Christian tradition of ordered liberty. A scholar of the life of Patrick Henry, from memory he could quote William Makepeace Thackeray and Blackstone and so many others.

In 1985, family and friends packed into a local motel banquet room to honor Limbaugh at a surprise dinner celebration sponsored by local Rotarians. Tributes were read from President Ronald Reagan and from Justice Lewis Powell of the U.S. Supreme Court, long a Limbaugh friend. What stands

out in the memory, though, is the address of the guest of honor. Few who were present that night will ever forget the throat-catching sense of excitement he evoked when he arose, without notes, for extemporaneous remarks. In a voice choked with emotion, Limbaugh told his audience that they didn't so much honor him as they did members of his family who, after his father's early death, "went without substance so that I could be the first in the family to leave the farm and go to Cape to the Normal School."

THE OPPORTUNITY OF EDUCATION

Limbaugh often spoke of his excitement upon traveling to Cape Girardeau—a day's ride by horse-drawn wagon—and glimpsing the spires of the school's main building. Here was a chance at education. From this hilltop, a great world beckoned. Prepare yourself, work hard, make your family proud, and you could accomplish anything. This, after all, is America, and this school, he told an audience at the university's 1973 centennial, is nothing less than "the fulfillment of a great national purpose."

How richly he added to this school, this community, this state and this nation. Few, then, there are of whom it can be said, as it can of Rush Hudson Limbaugh Sr., "Well done, good and faithful servant. Enter into my kingdom." Somehow, we all know Limbaugh heard those words this week when the Lord called him home.

[From the Southeast Missourian, Apr. 10, 1996]

RUSH LIMBAUGH, SR.

Funeral service for Rush Hudson Limbaugh Sr., 635 Sylvan Lane, will be held at 2 p.m. Thursday at Centenary United Methodist Church. Dr. Neil Stein will officiate, with burial in Lorimer Cemetery.

Friends may call at Ford and Sons Mt. Auburn Chapel from 4-8 p.m. today, and Thursday from 10-11:30 a.m.

Limbaugh, 104, died Monday, April 8, 1996, at his home.

He was born Sept. 27, 1891, near Sedgewickville, son of Joseph H. and Susan Presnell Limbaugh. He and Beulah "Bee" Seabaugh were married Aug. 19, 1914, in Cape Girardeau. She died Sept. 2, 1977.

Limbaugh, the oldest practicing attorney in the United States, had practiced law since 1916. He founded the law firm of Limbaugh, Russell, Payne and Howard 50 years ago. He was a member of Centenary Church.

Survivors include two sons, Manley Limbaugh of Chester, Ill., Stephen Limbaugh of St. Louis; 10 grandchildren, and 19 great-grandchildren.

He was preceded in death by a son, two daughters, four brothers and three sisters.

REACTION TO VETO OF BILL BANNING PARTIAL-BIRTH ABORTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I was disappointed and appalled when President Clinton vetoed the partial birth abortion bill. The President's veto is in direct opposition to the will of the House and the Senate. Even more important, the President's veto is in direct opposition to the will of the majority of the American people.

No one really is sure how many partial birth abortions are performed or how many abortionists are using the method. However, we do know that the overwhelming majority are performed on perfectly normal and healthy babies.

Clearly this is an issue that crosses party lines. The bill passed the House with 214 Republicans and 72 Democrats voting for the legislation, and in the Senate with 45 Republicans and 9 Democrats. Yet the President has the gall to go against the American people.

In recent polls, national polls of registered voters conducted in December by the Tarrance Group, 71 percent favored the bill that we passed. In another poll, 65 percent of pro-choice Americans supported the ban, the partial birth abortion ban. Specifically, 78 percent of women voters support the ban that the House and the Senate passed.

Mr. Speaker, I would like to read for the RECORD a statement by Ralph Reed regarding the veto of the partial birth abortion ban, and I quote:

Bill Clinton has taken his veto pen and pointed it like a dagger at the hearts of the innocent unborn. His veto is a brazen betrayal of his solemn promise to make abortion rare. It is an insult to millions of people of faith who consider abortion to be the taking of innocent human life. It will be very hard, if not impossible, for Bill Clinton to look Roman Catholic and Evangelical voters in the eye and ask for their support in November.

I further quote Ralph Reed and the Christian Coalition.

I am proud to add my voice to those Roman Catholic bishops who are so courageous, and implore President Clinton to sign this legislation. The partial birth abortion is when a child's brains are removed and the baby is systematically executed as it comes down the birth canal. By allowing this procedure to continue unchecked, President Clinton has disappointed and deeply offended one of the largest voting blocks in the electorate. Bill Clinton has done more today than jeopardize the lives of unborn children. He has jeopardized his own reelection chances.

□ 1700

Mr. Speaker, just one more letter I would like to make reference to before closing, because to the American people, this is an important issue to try to protect the life of the healthy unborn. This is from the Catholic Bishops and also from the Catholic Cardinals, and I happen to be Catholic.

"Your veto of this bill is beyond comprehension for those who hold human life sacred."

I further quote and read from the letter from the Catholic Bishops and Cardinals: "Mr. President, you and you alone had the choice of whether or not to allow children almost completely born to be killed brutally in partial birth abortions. Members of both Houses of Congress made their choices. They said no to partial birth abortions. American women voters have made

their choices. According to a February 1996 poll by Fairbanks Mullin & Associates, 78 percent of women voters said no to partial birth abortions."

Further stated in the letter from the Bishops and the Cardinals, "We will also urge Catholics and other people of good will, including the 65 percent of self-described pro-choice voters who oppose partial birth abortions, to do all they can to urge the Congress to override this shameful veto."

Mr. Speaker, I thank you for allowing me this time. I think this is one of the most important issues that this Congress has had the privilege to debate. Again, I think it is appalling and discouraging and disappointing that the President of the United States vetoed the bill that was passed by the House and Senate to protect the healthy unborn.

FURTHER TRIBUTE TO THE LATE HONORABLE RON BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, last evening our colleague, the gentlewoman from North Carolina, Representative EVA CLAYTON, called a special order to honor the memory of and celebrate the life of Secretary of Commerce Secretary Ron Brown. There were so many of us who wanted to participate that we have some overflow this evening. I am among those. I want to acknowledge the leadership of the gentlewoman in calling that special order. She asked us to focus not only on our personal, but our professional relationships with Ron Brown in remembering him.

First, I would like to say, Mr. Speaker, that our country suffered a staggering tragedy with the loss of our distinguished Commerce Secretary, Ron Brown. How he would enjoy seeing some of the tributes to him that were written in the past week. The Washington Post says "Best in the Business." Another headline, "Brown, a Pioneer at Home In Black and White America. Ex-Party Chief Had Key Role in Clinton Win." Indeed he did.

Another headline, "Builder of Bridges." How he would like to have seen this headline, "Devoted To Mission Until the End." "Ron Brown's contribution to his people." "Changing the face of America's executive suites, still lily white, is a tribute worthy of Brown."

And the list goes on and on of Ron Brown's contributions. Commerce Secretary Ron Brown showed endearing enthusiasm for whatever task he undertook. How true that is.

I call these to your attention, Mr. Speaker, and to the attention of our colleagues, because I know that Ron Brown would have enjoyed them. I

hope that they are a source of comfort to the Brown family.

Our colleague the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, when she made her presentation last evening mentioned some of the other people who, unfortunately, also lost their lives in the tragedy, and I would like to call attention to three others who I am familiar with. The First Lady attended the funeral of Adam Darling, an optimistic and interested person in politics who went on to work at the Commerce Department under Ron Brown's leadership. I note with particular sadness the death of Bill Morton, a dynamic and brilliant young man who devoted his life to advancing minorities in public service. And in our community in San Francisco, we are particularly grief stricken by the death of Don Turner, the BRIDGE Housing Corporation executive, who was a member of the delegation.

Don Turner is a great loss to the San Francisco Bay Area and the affordable housing community nationwide. In his life, he gave dignity and hope to American families by providing shelter. Don Turner died as he had lived, bringing hope to people in need.

Now I would like to return my focus to Secretary Ron Brown. I had the privilege of working with Ron Brown since the early eighties, when we worked together putting together the 1984 Democratic Convention in San Francisco, but also working on the delegate selection process. In the convention in 1992, I served as cochair with Governor Romer of the Platform Committee. I mention those two relationships with Ron because in both of those instances, whether it was participation in the party, in the delegate selection process, or whether it was policy formation in putting together a platform, Ron Brown gave no tolerance to discrimination. Our party would be open and our policy would be open to all people in our society. Indeed, I believe that is a hallmark of the Clinton administration, and Ron Brown's influence was surely felt there.

I hope it is a comfort to all of the families of all of the people in the delegation, I hope it is a comfort to their loved ones that they are mourned by an entire Nation, that they died in a mission of peace, bringing humanitarian and economic assistance to the Balkans, and that their sacrifice will never be forgotten.

I want to particularly commend Alma Brown and extend sympathy to her and to Michael and to Tracy, Ron and Alma's children. Across the world, people saw Alma Brown as dignified in her sadness. I happened to be in Indonesia when we got the news, and even at that distance, the press was one of great admiration and, of course, sympathy for Alma. But she led us through this tragic time, through this sadness,

in a way that I know would have made Ron Brown very, very proud. But, of course, he knew that about Alma.

So I would say that as we mourn, the leaders of the delegation, we must also remember the patriotic members of the military on the flight and the members of the Commerce Department staff. The prayers of my family I know will always be with the Brown family, as well as with the families of this mission of peace.

THE NATIONAL CAMPAIGN TO REDUCE TEEN PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, I would like to thank the gentlewoman from North Carolina for organizing tonight's special orders. I would also like to commend her for her leadership in urging Members to become more actively involved in President Clinton's National Campaign To Reduce Teen Pregnancy.

First, we must face a distressing reality. More and more teens in our Nation are getting pregnant every year. Births to mothers under the age of 18 are on the rise, and we must work together to address this crisis.

The statistics in my home State of Florida are disturbing. Florida ranks 10th in the Nation in births to children aged 10 to 14 and 16th for teens between the ages of 15 to 19. Even more disheartening is the fact that of Florida's 17,641 teen births in 1994, almost 1 in 5 were repeat pregnancies.

Yes—these figures are alarming. However, there is hope. In fact, some promising programs in my district have demonstrated success in preventing teen pregnancy. Tonight, I would like to highlight these successful programs—programs which offer preventive strategies to solve the dilemma of teen pregnancy. Rather than continue the punitive approach Congress has taken with the welfare debate, citizens in my district are taking positive action.

I am very excited that almost every county in my district has established a teen pregnancy task force. Made up of a cross-section of the community—teachers, public health nurses, parents, teens, and representatives from local civic groups and organizations—the task forces work together to increase awareness and education.

Let me tell you about the effective programs in my district. In Alachua County, for example, Planned Parenthood of North Central Florida has teamed up with the Alachua County Public Health Unit to develop an exciting pilot program called Planned Parenthood "in the 'Hood'."

Although just 4 years old, this wonderful program is an excellent example

of the unique partnerships which can be formed when the entire community works together to tackle a program. "In the 'Hood'" has begun to conquer the obstacles that teens typically face when attempting to use traditional health care services.

"In the 'Hood's'" approach is unique because teens deal with one personal counselor throughout their ordeal, not just a faceless voice at the other end of a telephone line. Through home visits, one-on-one counseling, and follow-up with teens, "In the 'Hood'" has become a model of innovative community dedication. Through active involvement and personal contact with teens, the "In the 'Hood'" counselor has become both a role model and mentor for teens who have been fortunate enough to participate in this program.

More importantly, the program works. In 1994, of those teens who participated in this program, only 12.5 percent became pregnant for the first time, while 61 percent of those who participated in traditional programs had first-time pregnancies.

One of the most troubling realities associated with adolescent pregnancy is what comes after the birth of the child. Inevitably, many children who have children don't finish school. Therefore, they have limited job prospects, reduced earning capacity, and, in the end, often depend of public welfare to make ends meet.

Before coming to Congress, I taught middle-school math in Dunnellon, FL. I have seen the tragedy of promising young students becoming pregnant and dropping out of school—abandoning their dreams of college and a successful future. I know it makes sense for schools to emphasize pregnancy prevention in their curriculum to prevent this tremendous waste of potential.

Citrus County, in a collaborative effort between its Public Health Unit and School Board, is doing just that. As 1 of 11 pilot sites in Florida to receive what is known as an Education Now and Babies Later grant, [ENABL], Citrus County has been able to participate in Postpone Sexual Involvement, a multifaceted program designed to get to the heart of the teen pregnancy problem.

The Postpone Sexual Involvement Program begins with direct education of 5th and 6th graders, with major emphasis placed on abstinence. Through the program's curriculum, young people are taught both the consequences of early pregnancy and how to deal with peer pressure; it teaches them confidence so that they can say "no" to sexual involvement and have their "no" accepted. This program also involves parents by creating a curriculum that gives parents the tools necessary to discuss candidly the issue of sex and the need to postpone sexual involvement.

In addition to the many successful programs I have already mentioned,

this discussion would be incomplete without a reference to a very successful teen parenting program in Pasco County. During my tenure in the Florida Senate, I became actively involved in the Youth and Family Alternatives Teen Parenting Program. This program is designed to provide pregnant adolescents the education and support they need. Through home visits, this program aims at assisting, supporting and educating young mothers during and after their pregnancies.

Mr. Speaker, in all of the successful programs I have been involved with, the key to their success has been getting the whole community involved: students, parents, teachers, churches and Government. This makes sense. Teen pregnancy is a problem for an entire community, not just one woman, or one family. We must continue to work together to solve this terrible problem. I am delighted we have the opportunity tonight to take an important step in this positive direction.

I have lots more I could say, Mr. Speaker. I hopefully will have an opportunity to continue this as time goes on. I have much more that I could offer than just in 5 minutes.

SUPPORT PARTIAL BIRTH ABORTION BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized for 5 minutes.

Mr. FUNDERBURK. Mr. Speaker, I want to strongly express my support for the partial birth abortion ban. I consider this procedure a horrible one that people would not support if they saw it.

Mr. Speaker, President Clinton's veto of the partial birth abortion ban, which passed Congress with overwhelming support, shows once again his absolute loyalty to the most extreme abortion advocates. H.R. 1833 passed both Houses with wider margins than almost any bill this session.

Polls have revealed that the vast majority of Americans, more than two-thirds, support restrictions on abortion. Among just women, the numbers are even higher who support restrictions, especially in these late term abortions. These numbers tell a story that every man and woman of conscience understands. People do not want to see life casually ended, and they do not accept abortion as the highest and best offering of our Constitution. They are troubled by a 1.5 million-person death count every year. They are even more troubled by a gruesome procedure covered by this legislation, an abortion in which a child's brains are removed and the baby is systematically executed as it comes down the birth canal.

□ 1715

This is one of the most horrific medical procedures in the world today. President Clinton has disappointed and deeply offended one of the largest voting blocks in the American electorate. The overwhelming success of pro-life candidates in the last election, both Democrat and Republican, underscores the troubled electorate's concern for run away abortion rights turned into societal wrongs.

Bill Clinton has again aligned himself with the most extremist elements of the abortion lobby, those who see no value in life poised on the edge of birth. The President said he wants abortion to be rare, but he seems to see no life worth saving, not even a fully viable child whose living brain tissue issue is vacuumed out causing painful death.

Partial birth abortions take place on babies from 20 weeks up until 40 weeks. The House Committee on the Judiciary has compiled documentation of the practice of this procedure by physicians of its being used on living human fetuses, of the pain that these children likely incur and of its use for elective purposes. In describing one such partial birth abortion she witnessed, nurse Brenda Shafer stated, the baby's body was moving. His little fingers were clasped together. He was kicking his feet all the while his little head was still stuck inside.

In a Christian Coalition letter to Congress, they stated Americans across the Nation are now aware of this inhumane practice and please cast your vote on the side of protecting these little babies from this painful death. Enactment of a ban on partial birth abortions is a key element of the Christian Coalition's contract with the American family. A partial birth abortion ban act is the right thing to do and I support it.

THE INCREASED NEED FOR CIVILITY IN OUR SOCIETY TODAY SHOULD START IN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I want to shift gears for a second. I can be as partisan as anybody can, I think, and probably have been, but it has also become increasingly clear to me that there is a need for a nonpartisan approach to this institution, this institution called Congress.

There is a need for Members, all of us, to be thinking carefully about the messages that we send to the public, because if we say it enough times about ourselves, then after a while people begin to believe us. And the messages that go forth about this institution, Republican and Democrat alike sending them, I might add, I think have caused a lot of people to wonder.

The fact of the matter is that each of the Members who chose to run for this institution chose to run. And I believe deeply that Members who are here believe in what they are doing. It is in that capacity, then, that we need to make sure that we communicate the best of this institution as well as our constantly trying to change it.

I listened to a debate the other day on a contentious issue. It was not necessarily Republican or Democrat, it was just a very, very contentious issue. And I heard from both sides the charges back and forth of, well, this person is in the pocket of so-and-so, or this person who just spoke is speaking up for such-and-such a group. As it rang back and forth I thought how does this debate come across to those who are watching and listening. And the answer is these folks must know what they are talking about and maybe they are all in the pockets of so-and-so.

My feeling is, and I believe the way most people here feel, is that Members of Congress are not in the pockets of anybody and that they are here wrestling with some honest to goodness difficult questions.

I look around this Chamber and what I see in these seats is this is where the Nation comes together. This is the crossroads of the country and this is where the country comes to try to work out its problems. Somebody from California or someone who lives on the seacoast may not know what it is like to live up a mountain hollow in West Virginia. By the same token, I have to learn what it is like to live in many other parts of the country and the problems that are faced there, and sometimes that is a slow process and sometimes it requires a lot of deliberation. So it is a process of trying to come to a consensus and understand one another.

I will say this. This is probably about as divergent a Congress as I have ever had the privilege to serve in terms of political views, ranging from the extreme conservative to the extreme liberal. But I also know that the best hope that this country has is to be able to work this out within the confines of this institution. That is why it exists. It is called Congress. Congress means coming together. Obviously, with the divergent viewpoints we all have, it may take a little longer to come together.

We can have vigorous debate. We have to have that debate. We can have tough aggressive partisanship. But I also ask that we be thinking about respect for this institution. Because if we are truly leaders, and people elect us to be leaders, then that means people are following our example. And if we are in here wrestling around and calling each other names, then I wonder whether or not that becomes the commonplace form or method of operation or mode of communication for those of our

constituents. If it is okay for those folks in Congress, it must be okay for me.

There is a need for civility, an increased need for civility in our society today, and I think one place it needs to begin is here in Congress.

PRESIDENT CLINTON TAKES EXTREME POSITION ON VETO OF PARTIAL BIRTH ABORTION BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, like many of my colleagues, I am unabashedly pro-life. Recently we were joined by a number of our pro-choice colleagues in voting to outlaw partial birth abortions. Those folks also believed the procedure to be violent and gruesome and in no way consistent with their views that some abortions ought to be legal.

President Clinton, on the other hand, who has often said that he personally opposes abortion, says that he believes abortion ought to be legal but rare. In this particular instance I think he has finally shown his true colors. He has reached out to the most radical of the pro-abortion lobby by vetoing the partial birth abortion bill. The veto was a slap in the face to all of those who respect human life.

The President has shown once and for all that he favors abortion on demand, even in the final weeks of pregnancy, and that is a tragically extreme position.

I would remind my colleagues that the partial birth abortion ban was supported by 288 Members of this body, both Republicans and Democrats. Most thoughtful legislators did not consider the bill to be controversial and agreed it was something long overdue, a prohibition on a particularly grotesque and inhumane practice, yet the President did not see it that way.

Let us recap for a moment what it is we are talking about here. A partial birth abortion is performed by using forceps to pull a living baby, feet first, through the birth canal until the baby's body is exposed, leaving the head just within the uterus. The abortionist then forces surgical scissors into the base of the skull, creating an incision through which he then inserts a suction tube to evacuate the brain tissue from the baby. This causes the skull to collapse, allowing the baby to be pulled from the birth canal.

The Partial Birth Abortion Ban Act would outlaw such abortions. The President, who says that abortions should be rare, says that there is no question this is a gruesome procedure. The President says that abortions should be rare, but he vetoed this particular legislation. I think that was outrageous.

Mr. Speaker, I will say one thing for the President, however, he has been consistent. He says one thing and then does another. He promised to end welfare as we know it. He vetoed welfare reform. He promised the middle-class tax cut and then he vetoed the middle-class tax cut that was passed by this Congress. He said that abortion should be rare, but his record shows that he supports abortions on demand at any time for any reason.

I would agree with Robert Casey, the former Democratic Governor of Pennsylvania, who said President Clinton says he wants abortions to be safe, legal, and rare, but he has helped make it safe, legal, and everywhere. Yesterday Cleveland Bishop Anthony Pilla, president of the National Conference of Catholic Bishops, joined by eight American cardinals, sent an extremely thoughtful, strongly worded letter to President Clinton in response to the President's veto, and I would like to quote from that letter at this time.

In the letter the bishop stated as follows: Your veto of this bill is beyond comprehension for those who hold human life sacred. It will ensure the continued use of the most heinous act to kill a tiny infant just seconds from taking his or her first breath outside the womb.

And the letter goes on: At the veto ceremony, you told the American people that you had no choice but to veto the bill. Mr. President, you and you alone have a choice of whether or not to allow children almost completely born to be killed brutally in partial birth abortions. Members of both Houses of Congress made their choice. They said no to partial birth abortions. Your choice was to say yes and to allow this killing more akin to infanticide than abortion to continue.

That is what the Catholic bishops had to say to the President of the United States. It would be an understatement to say that I am disappointed and saddened by President Clinton's unconscionable veto of the partial birth abortion ban. I think my sentiments are shared by many, including a large number of people who consider themselves to be pro-choice, and I cannot stress in strong enough terms my hope that this Congress when it is given the opportunity will vote to override the President's veto.

Mr. Speaker, we cast hundreds of votes in this body every year. This vote will not be forgotten and we hope that we override this terrible veto the President made.

TRIBUTE TO OUR FALLEN FRIEND, RON BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, later on this evening, the gentleman from New

Jersey, DON PAYNE, and other Members of Congress will continue to pay tribute to my fallen buddy, Ron Brown, but I just want to share some views as I saw Ron and 33 other coffins arrive in Dover, these flag-draped coffins covering the bodies of people that were in the business of selling the United States of America, and then heard the tributes that were paid to all of them, as well as attending at Arlington cemetery.

As the bands were playing and the flags were unfurled and the cannons were blasting, I could only think what a great country we live in and how many things we just take for granted; that here a young American who comes from one of the poorest communities can, in such a short period of time, capture the love and gain the respect of not only the President of the United States but so many Americans from seashore to seashore, and, at the same time, to know that in so many foreign countries, some not as friendly as we wish that they would be, that they lowered their flags at half mast for this great American, Ron Brown.

I think that when we start thinking about loving America, we have to think about what kind of person could love his country so much that he would try to climb mountains that other people would not even attempt, not only to show how great America was and what products we wanted to sell, and not how superior we were, but to actually talk with trade ministers and prime ministers and presidents in terms of the needs of their country. The poverty, the disease, the sickness, the hunger, the unemployment, the joblessness, and to be able to say to that country that America was there as a friend that wanted to help.

This was a part of the world that we never spent that much time in. This was the part of the world that we had to develop markets in. This was the part of the world that we had to increase their ability to have disposable income so that as we had once done in Europe under the Marshall plan, that we could regain the leadership that we have possessed since World War II. And how they loved him, because it was not just selling America, it was the interest he had in them.

I saw at the funeral Ambassadors that had flown in from Mexico, India, South Africa. They spoke, they talked, they loved, they cared. And I said what a wonderful country it is that we have in the United States of America, people that come from every country in the world.

□ 1730

Unlike other countries where you just look at the country and you can feel just the narrow culture interest that they have, there is no country in the world that we cannot reach and show that Americans come from all

over. To see what investing in the education of a Ron Brown, or Ron Gonzalez, or Ron Lee, or the women that have been denied the opportunity to show, to be given the opportunity to show that they are Americans, this is a great country, and go abroad and find out that they are making friends for us, as well as creating trade.

Mr. Speaker, I have received notices, as well as telephone calls, from Senator DOLE and from Haley Barbor, who is the chair of the Republican Party, to say to me, as they have said to others, this issue is too big to look at party labels. It is too big to look at the color of American skins. It is American to be able to say that we can make our country a greater place, create more jobs if only we cared enough to train our people for these type of opportunities and to share our talents with so many other countries in the world.

RIGHTFUL ROLE OF GOVERNMENT TO DEFEND THE DEFENSELESS

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I appreciate the sentiments of my colleague from New York.

Mr. Speaker, I take the well today to talk a little bit about an issue I think that is of great and paramount importance to both sides of the aisle that serve in this august body. For the last 15 months, we have watched as the House of Representatives struggles with public policy questions. What is the rightful role of government? To what extent do we fund these programs? What programs work? What programs do not work?

For 15 months, it has been a very healthy, although at times contentious, debate. It gets at the very heart of what democracy is all about. Taking these issues to the American people, to the floor of the House of Representatives and having a good give and take. We are trying to understand, as we are on the threshold of a new millennium, where to take America. What are our priorities? And I would say, Mr. Speaker, that as we think about those priorities, we think about a government that most of us would like to be benevolent, caring, there for those who cannot help themselves.

We need to think of the question that gets at the heart of the highest, most precious part of the human experience, and I speak with reference to those moments when a young woman and her husband, a young man and wife, learn the terrific news that there is going to be a birth of a child. Their excitement, their love, their exhilaration is unmatched by almost anything else that one could experience in life, and I do not think there is an American, whether they be described as pro-choice or

pro-life, that cannot appreciate that very important and most precious moment in the human experience.

It leaves me, Mr. Speaker, mystified, wondering if the rightful role of government is not to step forward, to indeed protect the most defenseless among us, that nurturing, growing life within the womb, that most precious experience in a woman's existence. What is the rightful role of government, I ask, if not to protect that defenseless life? Yet we had an issue, and I speak principally to the issue of the late-term partial birth abortion ban, and the question of government's rightful role to step in at a period when this baby, growing within the womb, is 4½ months along, or on the eve of a birth. Yet this procedure continues and will continue because a bill that was sent to the White House was rejected. Despite the safeguard stipulating that there must be an absolute threat to the life of the mother, the President chose to veto this bill. The same president who as Governor could have been at one point described as pro-life now sides with the radical left on this issue.

Mr. Speaker, I ask again, what is the rightful role of government if not to step forward at these most important moments to defend the defenseless, to step forward for our children? Is there anything so precious in life, in society as the birth of a child, as the potential growth of a new human life? And yet, this partial birth abortion procedure, which some say is a rare occasion, well, I would say one occasion is too many. There are, as I have been told, some very infrequent times when the life of the mother is so threatened that this procedure is performed. But I am also told that the American Medical Association, its college of legislative people and the 12 doctors therein, have said that this is an unnecessary procedure.

Mr. Speaker, as I yield the podium, I would just ask that if the rightful role of government is not to defend the defenseless, to defend precious life, then what is the role of government?

THE TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, over the weekend, here in Washington there was a public relations blitz organized by the administration to tell us and the world how United States trade relations with Japan have improved. National Economic Council Chair Laura Tyson went so far as to state we have had a great record of success with the Japanese in the area of trade with our exports increasing by one-third since 1993, and we have seen the trade deficit come down, she said, for the first time in 5 years, so we have a strong record of success.

Well, you know, people can twist numbers in amazing ways. If the administration had such a strong record of success, why has the United States trade deficit with Japan worsened during the Clinton watch and become even worse than during the Bush years when the United States trade deficit with Japan reached all-time highs? Look at the facts.

During the first 3 years of the Bush administration, the United States trade deficit with Japan reached over \$133.5 billion. During the first 3 years of the Clinton administration, our trade deficit with Japan has soared to over \$185 billion. That is \$50 billion worse, according to my math, and a 39-percent increase. Wishing a problem away certainly will not make it so, and Japan knows it. Our Nation gains nothing by denial.

Facts again: During the Bush years, the 4 years, the total trade deficit with Japan reached over \$183 billion, an all-time record. President Clinton has racked up that amount in just his first 3 years. In fact, during the Clinton watch, the trade deficit with Japan has rung in at all time record highs each year, \$60 billion in the red in 1993, \$65.7 billion in the red in 1994, and \$60 billion in the red in 1995. We cannot project what the United States-Japan trade deficit will be this year, but all indicators are that the total for the 4 years of Clinton's time will easily be over \$230 billion to the deficit side of the ledger.

Let us take a look at the automotive sector, which still accounts for over half of the deficit with Japan, more exports coming over here, fewer of our imports going into their market.

Remember when President Bush journeyed to Japan late in his Presidency and became ill at the official dinner held during the automotive trade rift? This is not a new problem. I personally have been working on opening Japan's market to United States goods for over a decade. I can tell Members Japan's auto market largely remains closed. They continue to believe we are not really serious.

United States auto manufacturers still have less than 1 measly percent of Japan's auto market, yet Japan holds upwards of one-third of our market. Think about this. With our low interest rates, the value of our dollar against the yen has fallen 40 percent since 1990, which means that our products are 40 percent cheaper in Japan. Yet we gained only one-third of 1 percent additional market penetration in Japan in 1995.

While we were able to sell about 58,000 cars there last year, Japan has sold over 100 times that amount in our country over the last decade. When I ask my local auto people, how are you doing, they smile and they look down.

In a recent survey of United States auto parts suppliers to Japanese customers, two-thirds of our suppliers say

they are working hard to crack Japan's market with roughly half of those responding saying they are currently achieving either limited success, sporadic success or no success at all in really opening that market.

Can you imagine, in the second largest marketplace in the world, if we could get trade reciprocity with Japan, the amount of jobs we could create in this country, in shipping, in distribution, in manufacturing, in parts, et cetera? Compare the limited success of United States auto and auto parts manufacturers to crack Japan's market to the administration's exaggerated claims.

Friends, let us stop the denial. You cannot look at these numbers and not know that trade is going one way and not the other. We have scaled an ant hill in our efforts to open Japan's market. Now all that is left is the mountain of red ink to scale.

MORE ON THE PRESIDENT'S VETO OF PARTIAL BIRTH ABORTION BAN BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, a great Democrat who came from my State, perhaps one of the most articulate spokesmen for the Democratic Party over the last 30 or 40 years, Hubert Humphrey, once said that if you love your God, you must love his children.

Mr. Speaker, I rise today to talk about the tragedy of the partial birth abortion issue and what the President has done with his veto. I rise to congratulate the National Conference of Catholic Bishops because I think they have, in very strong words, expressed on behalf not only of Catholics but I think of millions of Americans that have conscience of both political parties the outrage of this grisly procedure and the action of the President by vetoing it, keeping it legal here in the United States.

This is not a Republican issue. It is not a Democrat issue. It certainly is not just a Catholic issue. I think it is an issue about our basic humanity and how we treat the most vulnerable among us.

I would like to read for the RECORD a letter from a gentleman in Texas. For those who may be watching, I would be happy to make available to them a copy of this letter as well as a letter from the National Conference of Catholic Bishops, because they are both extremely powerful letters. I think all Americans should have an opportunity to read them.

□ 1745

I want to read this for the record, Mr. Speaker:

HON. BILL CLINTON.

DEAR MR. PRESIDENT: On Wednesday evening, when I learned that you had vetoed the partial birth abortion bill, I felt stunned and angry, but mostly I felt betrayed. Betrayal is a strong word. However, President Clinton, this is the anguish that I and many Democrats across the nation feel now.

As a dedicated Democrat, I believed Bill Clinton during the primary campaign in Texas in 1992 and in the general election as our nominee when you vowed to protect the rights of individuals and to forge an era of the new Democrat, an era that would avoid the extremism of either side.

I campaigned for that Bill Clinton and stood proudly in the cold in Washington at your inauguration when you gave your message of hope for those who have no voice. But Wednesday, with your veto, you ignored the rights of the innocent little children and literally sentenced them, thousands probably before this madness is brought to an end, to their deaths.

Unlike the debate over abortion that has been ongoing for decades, this procedure is clearly the brutal taking of a human life. The right-to-choose position of the Democratic Party has largely been driven by the belief that a fetus cannot survive outside the mother's womb. But in this case, medical evidence is clear that these babies could survive, but are destroyed in the most vicious and inhumane way possible. Our society demands that even dogs be destroyed in a more humane fashion.

For what purpose, Mr. President, did you do this? To satisfy a minority of extremists whose votes you would have gotten anyway? And please, consider again your rationalization that you acted to "protect the safety of the mother," when the bill permitted an exception if a doctor deemed the procedure was necessary to save the mother's life. You know full well that the bill would not have received the support of the Council on Legislation of the American Medical Society and 73 Democrats in the house if it did not. Mr. President, with all due respect, there is no valid reason for your action, ethically or politically. And it is certainly inconsistent with your positions that you have taken.

Your presence and comments in Oklahoma last week on the anniversary of the bombing tragedy reflected your deep concern for those who perished, especially the children. Yet, you signed the death certificate on Wednesday for countless equally innocent children. Several weeks ago I saw you visibly shaken when speaking of the mass murder of the children in Scotland. You had a chance, with your vote, to prevent a much greater tragedy. Mr. President, you chose instead to trade those future lives for votes that you perceive are crucial to your reelection.

In the past three years I have seen you time and time again speak out to the thousands, maybe millions, of young Americans who have been lost to the streets in a life of murder, destruction and mayhem, of drugs and disease.

Mr. Speaker, I would like to put the full text of this letter in the RECORD.

The letter referred to is as follows:

EL PASO, TX,
April 12, 1996.

HON. BILL CLINTON,

President of the United States, Washington, DC.

DEAR PRESIDENT CLINTON: Wednesday evening when I learned that you had vetoed the partial-birth abortion bill, I felt stunned and angry. But mostly, I felt betrayed.

Betrayal is a strong word. However, President Clinton, this is the anguish that I and

many Democrats across the nation feel now. As a dedicated Democrat, I believed Bill Clinton during the primary campaign in Texas in 1992, and in the general election as our nominee when you vowed to protect the rights of individuals and to forge an era of the New Democrat. An era that would avoid extremism of either side. I campaigned for that Bill Clinton and stood proudly in the cold in Washington at your inauguration when you gave your message of hope for those who had no voice. But Wednesday, with your veto, you ignored the rights of innocent little children and literally sentenced them (thousands probably before this madness is brought to an end) to their deaths.

Unlike the debate over abortion that has been ongoing for decades, this procedure is clearly the brutal taking of a human life. The right-to-choose position of the Democratic Party has largely been driven by the belief that a fetus cannot survive outside the mother's womb. But in this case, medical evidence is clear that these babies could survive—but are destroyed in the most vicious and inhumane way possible. Our society demands that even dogs be destroyed in a more humane fashion.

For what purpose, Mr. President, did you do this? To satisfy a minority of extremists whose votes you would have gotten anyway? And please, consider again your rationalization that you acted to "protect the safety of the mother", when the bill permitted an exception if a doctor deemed the procedure necessary to save a mother's life. You know full well the bill would not have received the support of the Council on Legislation of the American Medical Society and 73 Democrats in the House if it did not. Mr. President, with all due respect, there is no valid reason for your action, ethically or politically. And, it is certainly inconsistent with other positions you have taken.

Your presence and comments in Oklahoma last week on the anniversary of the bombing tragedy reflected your deep concern for those who perished, especially the children. Yet, you signed the death certificate on Wednesday for countless, equally innocent children. Several weeks ago I saw you visibly shaken when speaking of the mass murder of children in Scotland. You had a chance, with your vote, to prevent a much greater tragedy. Mr. President, you chose instead to trade those future lives for votes that you perceived are crucial for your re-election.

In the past three years I have seen you time and time again speak out to the thousands, maybe millions of young Americans who have been lost to the streets in a life of murder, destruction and mayhem, of drugs and disease. You have pleaded with them to have respect for human life. But with this veto, you did the opposite. And we, as party officials, have been put in the untenable position of having to live with that decision.

Mr. President, I cannot and will not support this action. Therefore, I cannot in good conscience support your candidacy.

As I contemplated this matter over these past days, I was reminded of the words of the late President Kennedy when he said, "Sometimes party loyalty asks too much." Thus, it is with regret and sorrow that on this date, I have submitted my resignation as a member of the Texas State Democratic Executive Committee and Chair of the Mexican-American Caucus. I have informed our State Chairman, Bill White. While I do not intend to actively support of vote for any Republican or Independent candidate. I will be asking other Democrats to consider withholding their support of your candidacy

while continuing to support Democrats for other offices.

Very truly yours,

JOSE R. KENNARD,
State Committeeman, District 29.

PARTIAL-BIRTH ABORTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I noticed how many of my fellow colleagues here this afternoon had been speaking about the outrageous and repugnant veto of the legislation overwhelmingly passed in both Houses of the U.S. Congress regarding partial-birth execution-style abortion.

During the debate I tried to get pro-life Members on both sides of the aisle in the oldest party of America, the great Democratic Party, and the grand old party over here, I tried to get them all to use this expression execution-style because the attack to the child, and it is a child that is almost always viable, can survive outside the womb even if it is what we called disabled, that the attack is similar to the Cosa Nostra, or organized crime, attack, sometimes with a .22 pistol, to keep down the sound to the base of the skull. This is a common assault, whether it was with sword, ax, or during the Chinese revolution, Stalin's purges, or Hitler's henchmen.

For example, at the trench at Babyar in the Ukraine, or many of the labor camps with sick people, Japanese warlords directed soldiers executing our men and our Filipino allies on the Bataan death march 54 years ago.

This execution to the base of the skull, it was used in the Balkans all this last 4-year period of horrible ethnic cleansing and human rights violations, a bullet or a knife to the base of the skull.

And here in debate in one of these two houses was a woman, no less, an elected woman, talking about defending that this was important to the life of the mother. And somebody got up who served in this House honorably for 8 years, Senator BOB SMITH, and said, wait a minute, if it is for the life of the mother, why is the abortionist holding the baby in the birth canal? Why is he interrupting the birth process? This is conversely to what you are saying, endangering the mother's life. It is truly infanticide.

And I think that to let people know how unprecedented it is, as it says in a front-page story in the Washington Times, and I have not looked at the Post today and the New York Times to see whether they buried it, but it is a front-page story about all eight U.S. Catholic cardinals hitting Clinton on abortion, and I am going to yield to the gentleman from California [Mr. HUNTER] and then read as much as I

can of the bishop's letter and submit the rest, ask unanimous consent to submit the rest, for the RECORD, and I will return to the floor, as I am sure the gentleman from Minnesota [Mr. GUTKNECHT] will and the gentleman from California [Mr. HUNTER] will many times on this.

This has got to rip apart Stephanopoulos' so-called Catholic plan to win the election in 202 days.

Mr. HUNTER. I do not want to take much time from my friend.

Mr. DORNAN. You are not taking it from me, but from eight cardinals; go ahead, though.

Mr. HUNTER. In that case, I feel better.

But let me just thank him, thank BOB DORNAN, for all the great work that he has done on behalf of unborn children and the fact that you are carrying this fight, as you have carried it for many, many years on the House floor, and I agree with you that the President has gone too far, that he stepped too far even for people who are able to look the other way on this issue in his party, and I hope that it is going to pull people off of this bandwagon that the President is putting together for his 1996 presidential campaign.

Mr. DORNAN. Well, you know our colleague, Mr. SMITH from New Jersey, has been here. He is a classmate of yours, for 16 years almost, but he has this angelic face. I almost said he looked like an acolyte, and, therefore, he can stand where you are at this mike or down in the well and say tougher things than most of us can say.

He has been calling Clinton for 3½ years the abortion President. Nobody has ever jumped up and taken down his words, and I have refrained from doing that until this moment. But this shows, beyond all shadow of doubt, that Mr. Clinton is not a new Democrat, he is not a moderate Democrat, he is not even a run-of-the-mill liberal like many of our honorable friends on the other side of the aisle who are proud of their liberal philosophy, believe in a larger Federal Government than we do, basically to help the poor, to help children.

We have hurt children more on this House floor in the last 2 years than I ever dreamed it here in the House, and I do not question their good will, but I noticed that most of them who are sincere liberals of principle, classic liberals, are also against this partial birth.

So I will put in the cardinal's letter, Mr. Speaker, and then read it slowly tomorrow from today's RECORD.

NATIONAL CONFERENCE OF CATHOLIC BISHOPS, OFFICE OF THE PRESIDENT,

Washington, DC, April 16, 1996.

President WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: It is with deep sorrow and dismay that we respond to your

April 10 veto of the Partial-Birth Abortion Ban Act.

Your veto of this bill is beyond comprehension for those who hold human life sacred. It will ensure the continued use of the most heinous act to kill a tiny infant just seconds from taking his or her first breath outside the womb.

At the veto ceremony you told the American people that you "had no choice but to veto the bill." Mr. President, you and you alone had the choice of whether or not to allow children, almost completely born, to be killed brutally in partial-birth abortions. Members of both Houses of Congress made their choice. They said No to partial-birth abortions. American women voters have made their choice. According to a February 1996 poll by Fairbank, Maslin, Aullin & Associates, 78 percent of women voters said No to partial-birth abortions. Your choice was to say Yes and to allow this killing more akin to infanticide than abortion to continue.

During the veto ceremony you said you had asked Congress to change H.R. 1833 to allow partial-birth abortions to be done for "serious adverse health consequences" to the mother. You added that if Congress had included that exception, "everyone in the world will know what we're talking about."

On the contrary, Mr. President, not everyone in the world would know that "health," as the courts define it in the context of abortion, means virtually anything that has to do with a woman's overall "well being." For example, most people have no idea that if a woman has an abortion because she is not married, the law considers that an abortion for a "health" reason.

Similarly, if a woman is "too young" or "too old," if she is emotionally upset by pregnancy, or if pregnancy interferes with schooling or career, the law considers those situations as "health" reasons for abortion. In other words, as you know and we know, an exception for "health" means abortion on demand.

You say there is a difference between a "health" exception and an exception for "serious adverse health consequences." Mr. President, what is the difference—legally—between a woman's being too young and being "seriously" too young? What is the difference—legally—between being emotionally upset and being "seriously" emotionally upset? From your study of this issue, Mr. President, you must know that most partial-birth abortions are done for reasons that are purely elective.

It was instructive that the veto ceremony included no physician able to explain how a woman's physical health is protected by almost fully delivering her living child, and then killing that child in the most inhumane manner imaginable before completing the delivery. As a matter of fact, a partial-birth abortion presents a health risk to the woman. Dr. Warren Hern, who wrote the most widely used textbook on how to perform abortions, has said of partial-birth abortions: "I would dispute any statement that this is the safest procedure to use."

Mr. President, all abortions are lethal for unborn children, and many are unsafe for their mothers. This is even more evident in the late-term, partial-birth abortion, in which children are killed cruelly, their mothers placed at risk, and the society that condones it brutalized in the process.

As Catholic bishops and as citizens of the United States, we strenuously oppose and condemn your veto of H.R. 1833 which will allow partial-birth abortions to continue.

In the coming weeks and months, each of us, as well as our bishops' conference, will do all we can to educate people about partial-birth abortions. We will inform them that partial-birth abortions will continue because you chose to veto H.R. 1833.

We will also urge Catholics and other people of good will—including the 65% of self-described "pro-choice" voters who oppose partial-birth abortions—to do all that they can to urge Congress to override this shameful veto.

Mr. President, your action on this matter takes our nation to a critical turning point in its treatment of helpless human beings inside and outside the womb. It moves our nation one step further toward acceptance of infanticide. Combined with the two recent federal appeals court decisions seeking to legitimize assisted suicide, it sounds the alarm that public officials are moving our society ever more rapidly to embrace a culture of death.

Writing this response to you in unison is, on our part, virtually unprecedented. It will, we hope, underscore our resolve to be unrelenting and unambiguous in our defense of human life.

Sincerely yours,

Cardinal Joseph Bernardin, Archbishop of Chicago; Cardinal James Hickey, Archbishop of Washington; Cardinal Bernard Law, Archbishop of Boston; Cardinal Adam Maida, Archbishop of Detroit; Cardinal Anthony Bevilacqua, Archbishop of Philadelphia; Cardinal William Keeler, Archbishop of Baltimore; Cardinal Roger Mahony, Archbishop of Los Angeles; Cardinal John O'Connor, Archbishop of New York; Most Rev. Anthony Pilla, President, National Conference of Catholic Bishops.

MILITARY AIRCRAFT SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, yesterday I convened a panel of the procurement subcommittee of the Committee on National Security to investigate the series of tragic mishaps with respect to F-14 crashed and Aviate B Harrier Marine Corps fighter aircraft crashes that have occurred since the beginning of the year, and, Mr. Speaker, it is very clear to us and to my friend, Mr. DORNAN, who has quite a bit of time in an Air Force cockpit, and my good friend, Mr. CUNNINGHAM, my seatmate from San Diego, that it is dangerous to be a pilot in the U.S. Air Force, the U.S. Navy, the U.S. Marine Corps; it is more dangerous to be a pilot when you have a government that will not pay the money that has to be paid to make that aircraft as safe as it can possibly be made.

The testimony from the U.S. Marine Corps yesterday was that Harriers are tough aircraft to fly. Almost one-third of the entire Harrier air inventory, aircraft inventory, has crashed since its inception, and we have had three tragic crashes this year of these Harrier Jumpjets. The Marine Corps told us yesterday that we could make that

plane 50 percent more safe than it is right now, and we do that by remanufacturing the aircraft and adding safety features. They told us that the Clinton administration has decided not to make 24 of those aircraft as safe as they can be, and when we asked why, we were told because of budgetary constraints.

So, Mr. Speaker, for the first time, we are seeing the Clinton defense budget come apart at the seams. We are seeing a defense budget which is costing us; it has been cut so drastically, by 72 percent in the area of modernization, that we are not able to make these aircraft, these Harrier aircraft, as safe as they can be for Marine pilots.

Well, Mr. Speaker, the Republicans are coming to their rescue. I have talked with the chairman of the full committee, our good friend, FLOYD SPENCE, and he concurs that we will fix all 24 of those aircraft that right now the Clinton administration does not plan to upgrade with safety upgrades so that the pilots will be more secure than they are flying the aircraft right now.

So I want to announce, as the chairman of the procurement subcommittee, that the Republican markup will reflect upgrades, it will cost about \$26 million per plane for all 24 of the Harrier aircraft that the Clinton administration has decided, in their infinite wisdom, not to fund.

Additionally, on the F-14, and an F-14 crashed today, the Republicans are going to be adding about \$83 million for several items that will make that aircraft safer. We are going to come up with a digital flight control system; we are going to install that. We are also going to come up with a system that indicates when the engine is getting overloaded and will advise people in the cockpit that they have to take action fairly quickly. Those are two safety upgrades that we will be funding in the procurement subcommittee for the F-14.

So, Mr. Speaker, the Republicans are riding to the rescue in national defense, and Mr. Perry, Secretary Perry, has come down to the House Armed Services Committee and told us that everything is fine with defense. These massive cuts that the Clinton administration has been making according to Dr. Perry have not harmed national defense at all.

Well, Mr. Speaker, the Clinton defense budget is coming apart at the seams, and these recent crashes and the lack of initiative on the part of the Clinton administration to make these planes as safe as they can be is only the tip of the iceberg, but the Republicans are going to fix these aircraft. We are going to be making these Harriers as safe as they can possibly be, and we will be funding upgrades to the F-14's to make them as safe as they can be.

I am happy to yield to my friend.

Mr. DORNAN. I flew the Harrier for the fourth time last August 8. Outstanding pilots down at Cherry Point and also at Yuma. It is a unique aircraft. It has stolen the show at every air show for over 2½ decades. But it is a difficult airplane to fly. And I will join in this fight, and I can guarantee you we will prevail.

I did not know an F-14 crashed today. Where did that happen?

Mr. HUNTER. That happened on the East Coast, I think at Oceana.

Mr. DORNAN. Right. Well, we will do the best we can.

Mr. HUNTER. That was an F-14B model crashed today.

Mr. DORNAN. Right. If we were in Israel, there would be no question that their first line of defense would get what they needed to be safe.

□ 1800

ADVANCES BROUGHT ABOUT BY REPUBLICANS

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, when I came to Congress 3 years ago, I was really appalled, like many other Americans, to find out that Congress really did not have to live under the laws that they imposed on everyone else.

I remember, when I ordered signs for my district office, I attempted to comply with the Americans with Disabilities Act. Then I came back to Washington and was shocked to find out that in Washington, they did not comply with the ADA Act, and they did not comply with the rest of the rules and regulations.

It was ironic, shortly thereafter, that I had visiting constituents from my district and around the country who were visually impaired. I really was embarrassed to see those folks try to find their way around this place, this maze, without any proper, even common courtesy identification for those with a disability.

I wrote on February 26, 1993, to the Democrat committee chairman who was in charge of the House oversight at that time. Mr. Speaker, I include that letter for the RECORD.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 1993.

HON. CHARLIE ROSE,
Chairman, Committee on House Administration,
The Capitol, Washington, DC.

DEAR REPRESENTATIVE ROSE: My recent experience in ordering signage for my district offices in Central Florida has prompted me to ask why the House of Representatives should not comply with a simple and necessary provision of the Americans with Disabilities Act with regard to use of braille for blind and visually impaired people.

After laborious efforts to get local district office signs approved by the committee on

House Administration, the sign company informed me that ADA regulations also required that the suite numbers be in braille. After inquiring with committee staff as to why this was not addressed in the Congressional Handbook, I was informed that the House was exempt from the regulation. I did, however, request the addition of braille to my signs.

It was ironic in that the same week this happened, representatives for the blind and visually impaired around the country were visiting their Members of Congress and no Member suites in the House Office Buildings are equipped with braille signs.

I would like to request that House rules add braille directional signs located in the interior of local district offices and in the House offices buildings. I urge that consideration be given to this much needed service to our visually impaired citizens.

Sincerely,

JOHN L. MICA,
Member of Congress.

Rather than reading the whole letter that I wrote to the chairman of the Committee on House Oversight, I will summarize it. I told him our experience, that here we are, a Congress telling people to comply with the laws, and I just had these folks with visual infirmities and disabilities in the hallways, trying to find their way around the Capitol. Why could we not at least give them the courtesy of labeling our offices in compliance with ADA? I never got a reply. I brought it up again, and I asked and begged.

The American people made some changes here then. On the first day of the 104th Congress we passed, remember, the Congressional Accountability Act. That said that every Member of Congress and Congress must comply with the laws they impose on everyone else. Most people do not know that that is now the law. Sometimes around here there are great battles and little victories.

I am here tonight to tell you about one little victory. Here is the little victory. Going up around the Capitol Building and in my office, and I am so proud of this little improvement, little victory, are these signs. They are placed in compliance with ADA. If you are visually impaired, you can even find out whose office you are in. This is a small success, but we said when we took control of this Congress we were going to make some changes. We were going to make Congress obey these laws. This is one little victory that I am so proud of.

Not only did we do that, but how thrilled I was today to also find another sign which was going up. Heaven forbid we should have maps that should help those visually impaired to find their way around the maze of the Capitol Building, but we have these, and actually you can put your hands across these, and those visually impaired and who read Braille, they can find their way around this maze.

So Republicans said they would make changes, and they are making changes. I know this is not changing the world

as we know it; it is not changing everything, our freshman program, but it is a beginning.

There are some other things that people probably do not know about what we have done with the Congress and the congressional budget. I want to take a minute to thank, first of all, the gentleman from California, BILL THOMAS, who is chairman of the Committee on House Oversight, for his actions and leadership on this issue and other issues.

Mr. Speaker, the Republicans said they would cut the cost of operating this Congress, the legislative branch, and they did. We cut a quarter of a billion, \$250 million, out of our budget. That is done.

Republicans said they would cut congressional staff, and we reduced the staff on the Hill somewhere in the neighborhood of 2,000 positions. I chaired the Civil Service Subcommittee, which was three subcommittees before. It had 54 staffers. We operate it with 7. We said we were going to make changes. We did make those changes. Republicans said they would privatize capital operations, and we did.

EARTH DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, my purpose tonight is to talk about Earth Day and the lessons of Earth Day and what it means for us now in 1996. I think many of our constituents know that Earth Day is 26 years old now. It will take place this year on April 22, and the first Earth Day was in April 1970.

The reason we are concerned and the reason that several Democrats are here tonight to talk about Earth Day is because we are very concerned that this Congress, under the Republican leadership of the gentleman from Georgia, NEWT GINGRICH, has essentially tried to roll back the bipartisan effort that has been made in the House of Representatives, in the Senate, by Presidents of both parties over the last 25 years to try to improve our laws and our enforcement with regard to environmental protection.

In the last 14 or 15 months or so that we have been here in this Congress, we have seen day after day, week after week, efforts by Speaker GINGRICH and the Republican leadership to weaken the laws that have been on the books, and to provide less funding for enforcement and investigation against polluters who are violating those laws.

Before I go on, though, I will yield to the gentlewoman from Florida [Mrs. MEEK] who would also like to address this issue. I am very pleased she is here tonight, because I know how important

Earth Day is to her, and how important environmental protection is to her.

Mrs. MEEK of Florida. Mr. Speaker, I thank my colleague, the gentleman from New Jersey [Mr. PALLONE].

Mr. Speaker, in recognition of Earth Day, I rise to talk about some of the successes and failures since the first Earth Day in 1970. I have a vivid recollection of Earth Day and what it has done for all populations.

As a result of the increased awareness of environmental problems that was a direct result of Earth Day, the landmark legislation to create the Environmental Protection Agency passed the United States Senate in 1970 without a single dissenting vote, ushering in a new era of America's stewardship of our air, our water, and our land.

Mr. Speaker, we have made great strides over the years in cleaning up our air and our water. My home State of Florida has been a national leader in protecting these precious resources. But there are those who have been left out in the rising tide of environmental quality, which has not lifted all of the boats.

Mr. Speaker, since that original Earth Day, we have learned that racial minorities and low-income people experience high-than-average exposures to selected air pollutants, hazardous waste facilities, and to contaminated fish and agricultural pesticides in the workplace.

In 1992, a National Law Journal investigation found that penalties against pollution law violators in minority areas were lower than those imposed for a violation in largely non-minority area. They also found the government took longer to address these hazards in the communities. In addition, they found that the racial imbalance occurred whether the community was wealthy poor.

Discrimination against racial or ethnic groups and against the poor in environmental efforts cannot be condoned. The effort to fight this discrimination is known as the environmental justice movement. It is becoming a very strong movement.

Many of my colleagues know, as most of the country knows, that the current Republican leadership has assaulted the environment to serve special interests at the expense of the land, the water, the air, and the health of the people of the United States. Through budget cuts and legislative riders, the Republicans have targeted not only the environment, but also the minority groups and the poor. Not only is their so-called environmental agenda good for polluters, it is bad for the environment, and it is worse for poor people in poor communities.

Mr. Speaker, we need clean air and clean water, just as any other person needs it, as much as the people from other communities. The poor just as much as the rich need dangerous waste

sites cleaned up. Poor people do not have air filters, water filters, or vacation homes to escape from these environmental hazards. They do not have lobbyists or money to donate to influential committee members to slant legislation in their favor. But we need to open our ears here in the Congress and listen to these people as we consider environmental laws in Congress.

Polluted sites in poor urban areas often stand for years as health and environmental hazards. I know this because of the district I serve. They are eyesores, they are a breeding ground for crime, and places where development of industry and jobs should be revitalizing the community, but these environmental hazards are there preventing this.

At the same time, new businesses are developing areas far from the cities and the city labor pool, destroying vegetation and wildlife, and duplicating investments in infrastructure that have already been made in these urban and poor areas. This makes no sense, no environmental sense and no common sense, Mr. Speaker.

Dangerous waste sites must be cleaned up. I have introduced, last year, a bill, H.R. 1381, the Comprehensive Economic and Environmental Recovery Act of 1995, that would help achieve this goal. My bill and a lot of others would provide low-interest loans to stimulate voluntary cleanup of contaminated areas in targeted urban areas, and ensure that local people are hired to do the work. My bill also includes provisions for a training program so that local people can learn the skills necessary for environmental remediation.

Mr. Speaker, I am not the only one who has sponsored such legislation, but this Congress needs to pay that more attention. The gentleman from Michigan, Mr. DINGELL, one of our colleagues, in his Superfund Reform Act of 1995 had provisions that would address this environmental justice. Unfortunately, Mr. Speaker, these sections were not included in the Republican bill, thereby setting back the cause of environmental justice.

One provision of the Dingell bill would have required that the EPA study priority-setting, response actions, and public participation at waste sites to determine whether EPA's conduct was fair and equitable to the population, to the race, to the ethnicity and income characteristics of affected communities.

Why are Republicans unwilling to even allow a study of this issue? What are they afraid of finding out? Another provision in the Dingell bill similar to my provision would authorize a demonstration program for recruitment and training of local people in remediation activities and encourage the hiring of disadvantaged persons from the affected community who have been trained in remediation skills.

Again, this provision was not included in the Republican bill. Poor and minority communities do not deserve to be the dumping ground for the country. My home State of Florida has shown leadership in environmental justice by establishing a commission to collect information and address this issue head on. In this Congress, however, we are regressing, as I see it, moving backward, as we are in so many environmental areas. We would be even further behind if it were not for the strong support of the President for environmental justice and for improving the environment.

For example, his executive order on environmental justice will address that problem. This year, as we celebrate Earth Day, let us remember that environmental protection decisions should not be based on race, ethnicity, creed, or on wealth. Let us recommit ourselves to an effective and fair environmental policy so that the tide of environmental quality will rise and lift all boats. We do pay attention to that as Earth Day descends upon us. I thank the gentleman very much.

Mr. PALLONE. Mr. Speaker, if the gentlewoman will just let me comment briefly on some of the themes she mentioned, because I think they were very important, first of all it is interesting, coming from the State of New Jersey, which of course is a very densely populated State, New Jerseyans tend to think of Florida as having more open space, more pristine area. It is not always the case, but that is the general impression.

The fact that you are here talking about some of the urban areas and eyesores, I do not even tend to think that is true in the State of Florida, but obviously it is, and it goes to point out to me how universal the concerns are about the environment.

The other thing I wanted to mention is that I think it is so crucial to stress the need to have Federal programs to help with the cost of cleanup. The gentlewoman mentioned specifically, I think she was making reference to the Superfund program or something like that.

One of the biggest criticisms that I had of the Republican leadership is when the Superfund bill came up for reauthorization before our Committee on Commerce, we had Republicans who were making statements to the effect that "We do not really need the Superfund anymore, because that can be dealt with by the States and the localities. They can deal with those hazardous waste sites, they can come up with better ways of funding and providing cleanup of hazardous waste sites on the State or local level."

I know that is simply not true. New Jersey, which has probably done more than any other State to clean up sites that are not on the Superfund list, nonetheless continues to have prob-

lems in terms of coming up with the financing, and particularly when we are dealing with urban areas where the property tax base is not there; for them to find the money to do that kind of cleanup is just not going to happen, which is why we need a Superfund program.

I also appreciate the fact that the gentlewoman brought up this whole issue of environmental justice and that movement, because too often I think people associate the environmental movement with rich people or the elite, and you point out very well that that is simply not the case, that people who live in urban areas, poor areas, have just as much, if not maybe more, to be concerned about when it comes to environmental cleanup.

The last theme, if I could mention it, the whole idea with regard to jobs and the environment; your point that when we clean up sites, when we deal with environmental protection, we are creating jobs, that is so true. One of the biggest criticisms I have of the Republican leadership is that they constantly try to juxtapose the environment versus jobs; that somehow they are mutually exclusive, and to the extent we clean up the environment, we displace people. That is simply not true.

□ 1815

The fact of the matter is that environmental protection and the progress we have made over the last 26 years since Earth Day in 1970 has really actually created more jobs and created a better economy and allowed for more job creation. I appreciate the gentlewoman's coming here tonight and expressing her views.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. I thank the gentleman from New Jersey [Mr. PALLONE]. I guess I am here to warn the American people about what I call 1-day environmentalism. Interest in Earth Day really has to be continued and kept in people's minds throughout the year. It is a yearlong problem to keep protecting the environment and we need to do that.

I would be the first, Mr. PALLONE, to say that the environment is not a partisan issue. Americans, regardless of their political persuasion, want and need clean air to breathe and clear water to drink. They are concerned about it.

There are many Republican Members in this body who are strong environmental leaders, but the Republican leadership of the Congress has not been friendly to the environment. I think that that is the point that we need to stress, that it is the way we do things beyond the bills that are introduced. We have to look at what happens behind the closed doors or in the economy, in the budget deliberations.

I think that the Republican leadership learned very quickly that the American people did not want a frontal attack on the environmental laws, because the American people believe that the environment needs to be protected and they also feel confident that we have passed a lot of laws that have protected the environment. So instead the leadership, under the disguise of what they call deficit reduction and balancing the budget, in fact put environmental laws on a starvation diet.

What happened was, rather than having a debate about environmental laws, whether they were important, whether we wanted them, whether we could afford them, what happened instead was that there was a slashing of the funds for the enforcement of environmental laws, and we all know in every community that you cannot enforce laws if you do not have the money there to do that.

For example, I do not know if people around the country know that the Environmental Protection Agency's budget was cut by 21 percent and their law enforcement account was cut by even more, by 25 percent. What does this mean?

It means that the people who we hire to protect the environment have not had the opportunity nor the budget to go out and even inspect the facilities they are supposed to inspect. That means the American people's health is put at risk, and yet they are perhaps not aware that these things are going on because they have not seen the law actually taken down, so I ask that the American people look very carefully at these budget decisions.

I was pleased that the gentleman mentioned this whole issue of jobs and the environment. I have a report here that was put together by a whole group of very well known economists, and it is called "Economic Well-Being and Environmental Protection in the Pacific Northwest."

What these economists show—and they are not Republicans or Democrats, they are economists—what they show is that there is a direct link between a clean environment and a healthy economy, that those two things go completely together. Of course we have seen that particularly in the Northwest.

The Northwest, the population is growing rapidly, and one of the reasons over and over and over again given by people who move into the Northwest is they come there because of our wonderful environment and the fact that we are on the cutting edge of environmental protection laws. So people are moving to that.

I find that some of the Republican leadership have forgotten why we have Earth Day, why we have these laws. I remember when the Cuyahoga River caught fire. Can you imagine a great, powerful river so polluted that it

caught fire? It was the stimulus for the Clean Water Act.

In my own State, we have a great river called the Willamette River that flows through the biggest city in Oregon. Just a few years ago that river was unsafe to swim in, our children couldn't use it, there were no salmon in that river.

Thanks to the Clean Water Act, that has been reversed. We now have a clean river, we have salmon in that river. But if we cut the budget as the Republican leadership is suggesting, we will not be able to enforce those wonderful laws that have protected our environment and our people.

So I think that we really have to focus on these cuts. These cuts in the budget are, in my view, extreme and unwise and they are underhanded. If we are going to say that everyone agrees that we must protect the environment, we must be green all the way through. We cannot be green on Earth Day, put on a little green hat, put on a little green tie, a little green suit and say, look, we are pro the environment.

What we really have to do is say we are pro the environment when it comes to making those hard decisions on the budget. We cannot go behind closed doors where the American people are not there and cut these budgets and ravage these environmental laws.

So I challenge the leadership to put their money where their mouth is on Earth Day and start funding these environmental laws again, because then we will indeed be a clean environment and we will give the American people what poll after poll shows they want. They want these laws to be in place.

I am very glad you are doing an Earth Day event, but I do think we need to say it goes further than 1 day. It goes throughout the year, and we need to be honest with the American people.

I thank the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. I appreciate what the gentlewoman from Oregon [Ms. FURSE] said. The gentlewoman again points out some very important themes, I think, that we need to stress for Earth Day.

First of all, there has been tremendous progress. You talk about clean water. My district is totally on the water, either on the Atlantic Ocean or the Raritan Bay or the Raritan River.

In the late 1980's, 1988, 1989, when I was first elected and came down here, we had beach closings. Some of the beaches were closed the entire summer because of the wash-ups that were coming from New York and north Jersey. Now that is totally changed. In the last few years the water has been relatively pristine.

A lot of it has just been because of Federal grants and loans to the local municipalities, to the counties, to upgrade their sewage treatment plants.

Money is a very important factor here. I think a lot of people deemphasize money, but when you talk about clean water action money means a lot, because money means you can build the treatment plants, that you can do the enforcement, go out and catch the polluters, you can do the investigations.

When the Republican leadership starts to cut back as they have on these grants, we are getting less loans now for clean water because of cutbacks with these stopgap spending measures. We have less environmental cops on the beat, so to speak, less investigation being done, and the direct result of that is that we are going to see more pollution going into our waterways reversing, hopefully not too much, but reversing the trend of the last 25 years.

The other thing that I wanted to point out that you stressed, I think, as well is that the problem that we face is with the Republican leadership. I think that when Americans went out and voted for a new majority, a new Republican majority in 1994, none of them, or very few of them, thought that they were electing a Republican majority that was going to put into leadership positions people that were going to make an anti-environmental agenda part of their program here in the House of Representatives. That is what we have seen with Speaker GINGRICH, with DICK ARMEY, with some of the other Members who are in the Republican leadership. They have on a daily basis put forward legislation that would weaken environmental laws. It is not so much the individual perhaps Republicans that are doing this but the leadership. But they are the elected leadership and we have to hold them responsible for what is happening down here. It is a fact that this is what they are doing. I want to thank the gentlewoman for joining us here today.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from West Virginia.

Mr. WISE. I thank the gentleman from New Jersey for doing this once again. You have been a tireless fighter in environmental causes. Let me just say I too join as everyone in this Chamber, Republican and Democrat, in appreciating the progress that has been made over the last 25 years and also saying we do not want it rolled back. But what happens is people forget how the progress was made. The progress was made by being willing to fund the environmental programs that are passed, the progress was made by being able to do the enforcement, the progress was made by people standing up and saying here are a set of standards and we are going to vigilantly enforce them. The problem is if you cut back the enforcement 25 percent, what message are you sending out? I too like everyone in this Chamber have my own

memories of the Kanawha River in Charleston, WA, in which when I was growing up you were warned not to swim in it, children getting meningitis every summer, and the pollution that was in those rivers. Today because of an effort made across the board, from environmentalists to industry, to government, the result is that the Kanawha is clean again and that for the first time fresh water fish are being pulled out of it, for the first time people are now feeling good about the Kanawha. Same thing with our air. The air used to be atrocious in the Kanawha Valley with the second highest number of solid particulates in the country 25 years ago. That is no longer the case. Everyone delights in that. So no one wants to roll back the clock. The only problem is the way you keep the clock ticking is to make sure that you keep the enforcement going and that you keep the EPA able to do its job. Earth Day fascinates me, hearing everyone say that we are all going to go out and plant a tree or do something and I do not make light of planting trees but trees cannot overcome a lot that is being done to the environment. But Earth Day in some ways has become the Easter service of environmentalism, the one day where everybody shows up, the one day where everybody brings a shovel, wears a bonnet, and comes out and celebrates. But the problem is you have got to be in the church or in the movement every day, every week. And so Earth Day can remind us. Indeed, just like Easter, it is good to have people coming out and renewing those ties. But then the test is whether or not that carries over to the next day and to the next week.

There is a point that I think ought to be made. Sometimes I hear the talk of burdensome regulation but it should be made that to step back now is actually bad for business. We have a number of companies in the Kanawha Valley and in West Virginia that have spent great sums to comply with the law and indeed many of our companies have greatly reduced emissions voluntarily far beyond what was required. What kind of message do we send out now if you say we are going to step back, that we are not going to fund enforcement so that that person who has always been skating right on the edge, who has not been willing to make the commitment, who has always played a bit fast and loose or who simply has not been willing to upgrade as fast as others have, they suddenly get rewarded? We give them a bonus for having never been as enthusiastic as others in the business community have been?

The thing that has impressed me in talking to our chemical industry at home is they understand the progress that has been made and they are committed to continuing to make it. But it gets a lot harder for them to justify if they see somebody else that may get

off the hook now because that EPA inspector can get by now once every 6 years or something along those lines and only under the rarest circumstances. I support a tough enforcement program. That is why I voted against cutting the funding 25 percent.

There is a controversial pulp mill, for instance, that is now being debated, whether or not to construct in my area. Some say that it ought not to be built, others urge that it should. Regardless of how you feel, the best way to determine what the environmental impact will be is with a strong EPA. That is why I voted for the funding that would give the EPA the ability to continue doing its studies that are so necessary.

Environmentalism is good for business and indeed we are seeing more and more businesses learn that and make profits from it as well.

Finally, I just want to say, I do not think anybody wants to hurt anybody but if you have got a doubt as to whether or not there needs to be continued rigid enforcement, just look at your tap in your kitchen or the faucet where your children brush their teeth and ask, am I totally confident about what is coming out of that tap and will I be totally confident if these cuts go through? Ask the victims and their families in Milwaukee, where 100 people died just a couple of years ago from cryptosporidium in the water supply. Ask those who have been under a boil water order, which is not uncommon. I wonder why it is regrettably that bottled water seems to be a growth industry in our supermarkets. What that tells me is that the job is not only not finished but it must be even more aggressively pursued.

So we have made progress, everybody agrees on that. But there is a price to progress and there is a need to make sure we keep the progress that we have made as well and to continue to progress. I thank the gentleman for all he has done to keep that in front of the American people.

□ 1830

Mr. PALLONE. I appreciate the gentleman's remarks. If I could just add again a couple of things that you pointed out and bring them back to this issue of what the Republican leadership has been doing in this House, one of the things that we keep hearing from the Speaker and Republican leadership is we do not need the national laws, the environmental protection on the national level, because the States are doing a good job. Twenty-five years after Earth Day we can send those responsibilities, if you will, to enforce the environment, to protect the environment, back to the States.

As the gentleman so well points out, if each individual State has different laws when it comes to Superfund or clean water or whatever it happens to

be, that does not solve the problem, because you get forum shopping; in other words, where a company will say "I will not go to West Virginia. I will go to another State, because they have weaker laws." And if each State starts competing, if you will have to have weaker environmental protection to attract industry or whatever, then the common denominator gets lower and lower.

Mr. WISE. I am from West Virginia and the gentleman is from New Jersey. Both are centers for the chemical industry. If you want to start a race for the bottom, pitting us against each other, each State having to set its own standards, as opposed to having a minimum Federal standard that at least sets the minimum benchmark, we all lose in that regard.

Mr. PALLONE. I yield such time to the gentleman from California [Ms. PELOSI] who has been an outspoken protector of the environment here in the House.

Ms. PELOSI. I thank the gentleman for yielding, and for his leadership on this important issue, and for calling this special order this evening.

I would like to follow up with the colloquy you were having with the gentleman from West Virginia [Mr. WISE] on the idea that we absolutely do need Federal standards. Not only do we need them, because you would have a race to the bottom as States might wish to attract certain kinds of industries which would not have to comply with State law, but also because pollution knows no State boundary. Without minimum environmental standards set by Federal law and Federal enforcement actions, the health of our communities, the environment and economy would be compromised across the board.

Testimony submitted by the Citizens Panel of the Chesapeake Bay shows that Federal oversight and enforcement helped States work cooperatively to address environmental problems. Before the creation of the EPA, the six States on the Chesapeake Bay watershed allowed the waters to become severely polluted. Without a strong Federal enforcement presence, citizens in States like Virginia, which had cut its environmental budget by 26 percent, would have little recourse against pollution coming from other States.

It is hard for young people to remember or even to know how it was before the EPA and before Earth Day. In the 40 years that the Democrats have been in control of Congress, great progress, as the gentleman has indicated, has been made. Twenty-five years ago my own beautiful San Francisco Bay could be smelled before it could be seen. I hate to tell you that. Major rivers caught on fire from industrial pollution. The Great Lakes resembled stagnant toxic pools rather than centers for recreation and commerce.

Since then, national environmental laws have led to cleaner air, safe drink-

ing water, and better controls of toxic waste and hazards. But the work is far from done, and the Republican assault on environmental budget will hamper such efforts.

Due to recent cuts, the EPA has halted 68 waste cleanups in communities around the Nation. In New Jersey, your State, Mr. PALLONE, 81 Superfund sites need to be cleaned up.

I had an able article from a California paper, "Strapped EPA limits cleanups. With funds cut off, agency slashes staff, narrows work to 10 of the most hazardous sites in California." This means that the head of the EPA in our region has kept a skeletal crew of 35 to 40, down from 900, to oversee the most serious problems and to tend to the other business.

So we are faced with a terrible, terrible choice. This is not about only endangered species; this is about endangering the health of the people of our country, endangering our children. We are talking here about clean air, clean water, safe drinking water.

I once had a volunteer in one of my campaigns, and when we asked her why she was attracted too come into a campaign, she said, "I realize that politics has something to do with clean air and clean water, and I guess I have to be involved in politics, at least as long as I breathe air and drink water." And that is so true.

What has happened since Earth Day 26 years ago, the first Earth Day, is that the people have become engaged. Our Republican colleagues see the resistance to their backward looking policies. Now they are trying to give the appearance of being green on Earth Day.

But while they may try to act green for a day, the record shows that this has been the worst environmental Congress ever. The Republican Congress has attempted to roll back years of environmental progress in order to favor special interests.

Because of Republican cuts, EPA has missed thousands of inspections and enforcement actions, cleanups have been slowed at 400 toxic waste sites, and stopped at 60 Superfund sites. Six rules to clean our waters have been delayed, causing hundreds of millions of pounds in pollution that could have been prevented, and old growth forests are being logged without environmental protection. This is a serious, serious assault on the environment.

I heard our colleague talk about the environment and economics. I wanted to cite a report from California that says that, to the contrary, the environmental regulations do not produce a loss of jobs. The report that we have from the California State Senate shows clearly that rather than losing jobs, it promotes jobs. It promotes an environmental protection industry, it promotes the fishing industry, which depends on a clean environment. This

whole methodology that there is a job loss because we are trying to protect clean air and clean water is just that, mythology and not reality. It is an excuse to take actions, but it is not a reason to do so. So there is a great deal at risk.

I want to commend President Clinton for standing firm in this budget fight, standing firm to say, as Vice President GORE reiterated today, that he will veto legislation that has harmful environment riders or harmful anti-environment riders in them. Even with the riders gone, I am glad the President stood tall on the issue, in terms of the cuts to EPA which we have been talking about this evening and which have such damaging impact on the environment.

I would say to the gentleman from New Jersey [Mr. PALLONE] I serve on the Labor, Health and Human Services Subcommittee of the Committee on Appropriations, and on that committee we hear from scientists all the time. What they tell us is that pollution prevention is disease prevention. This is not just an environmental issue, if you could say "just an environmental issue." It is a public health issue. The parents of this country, the families of this country, as the gentleman from West Virginia [Mr. WISE] said, have to have the confidence that when their children go to the faucet and pour a glass of water, that they are not damaging their health.

So we have to have Earth Day, we have to uphold the principles of Earth Day every day of the week and every day of the year. And in this body we have a responsibility to make sure that whatever we vote for here is in furtherance of protecting the environment, and we must reject the extreme proposals of the Republican majority to set us back on the last generation of improvement in the environment.

Once again I want to thank you for your leadership on this, your relentless leadership on protecting the environment, and for giving me this opportunity to participate in this special order this evening.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman for the remarks that she made, and again she has made some points that I think are really crucial in terms of this whole debate relative to Earth Day.

I think that the Republican leadership consistently tries to pretend when we talk about the environment, that we are sort of the tree huggers. Not that there is anything wrong with hugging trees, but they forget the fact we are mainly talking about the public health and that when we talk about clean water, air and cleaning up hazardous waste sites, we are talking about direct health implications for the average person, for children, for mothers, whatever.

Also, I am glad the gentlewoman brought out, she certainly knows as a

member of the Committee on Appropriations that we continue to operate under these stopgap funding measures which are still creating tremendous problems for the EPA and their ability to enforce the law to clean up Superfund sites, to do proper investigations. I am a little afraid that because we have not had the shutdowns that the Republicans brought us a few months ago, at that time people were vividly aware of the fact that the EPA was closed down, that Superfund sites were not being cleaned up, that there was not anybody out there going against the polluters or finding the polluters. But even though we do not have the Government shutdown or any agencies shut down now, the amount of money that is available for the EPA and other environment-related agencies is significantly cut back because of these stopgap measures.

I think this one we are under now extends to the 24th, sometime next week or so. We are just hoping if we get another continuing resolution or another appropriations bill it is going to be one that provides adequate funding for the EPA and these other agencies. Again, so far the Republican leadership has not indicated they are going to do that, so these agencies are being crippled in their ability to enforce the law and do the things important to us.

Ms. PELOSI. That is why I am so pleased President Clinton has stood firm on this issue, in addition to education and some other issues, Medicare, Medicaid, VA, that the President has stood firm and said that we cannot proceed unless we have the basic health and well-being of the American people protected in how we go forward.

I would like to elaborate on one point just for half a minute that I mentioned earlier, about a survey released last month in California by the California State Senate, refuting the claim that if you have environmental protection regulations you lose jobs.

This report looked at every major study by Government, universities, and private think tanks since 1973. Not a single reputable study found a negative impact from environmental laws. In fact, environmental regulations have created jobs, particularly in manufacturing, transportation, and utility industries, and as I mentioned, there are other industries like the fishing industry which are totally dependent upon a protected environment. There have been a boom in jobs in environmental technologies and services. The report says California, speaking for my State, California alone will have 200,000 environmental workers by the end of the year.

The environmental debate is really about protecting public health, as the gentleman has said. The jobs versus owls argument is dead.

Again, I thank you for allowing me this time.

Mr. PALLONE. You are absolutely right. In my district it is so vivid, your point, in the sense when we had these beach closings in the late eighties, billions of dollars literally were lost in tourism at the Jersey shore. There were no jobs at all in the summer. So I do not think I could find a better example. If we do not have clean water at the Jersey shore, we do not have an economy.

For the life of me, I do not understand why a lot of the Republicans or those in the leadership do not understand that. But a good environment means good jobs. So thank you again for participating.

I would like to yield now to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. I thank you for yielding and for your leadership concerning environmental protection. I thought that one of the other really important aspects of this GINGRICH attack on the environment, this GINGRICH attempt to essentially have unilateral disarmament of the environmental law protection relates to the whole problem of clean water drinking standards. Where I come from, the city of Austin, TX, Colorado on the Rocks, with the Colorado River running through there, is considered to be a pretty good drink. I have begun to get a series of calls and letters from people throughout central Texas expressing concern that this Congress, and particularly this House, given its atrocious environmental record during the last year, intends to weaken the safe drinking water standards.

Another concern that you may be familiar with, and the irony at a time when so many in this House have talked about more local responsibility, more community responsibility, is that they would come in and limit the community's right to know about dangerous substances in our water supply. I am wondering if the gentleman, in your leadership role with reference to the environment, is familiar with some of the dangers posed to our water supplies by the assault on the environment?

Mr. PALLONE. Let me say, first of all, when you talk about the Safe Drinking Water Act and the efforts to weaken those protections, it is a real problem. We are hearing now that because of the fact that the Republican leadership did some polling, they essentially found out that they were not doing too well with their constituents and possibly leading to next November's election, because they were perceived as anti-environment.

Mr. DOGGETT. That is reality. That demonstrates the ability of the American people to get past these stickers saying "I have been to the zoo" or "I planted a tree" or "I have a green sport coat," and get down to the fact that some people who say they are green at election time have been voting consistently to destroy the environment and

to have an assault on environmental law enforcement.

□ 1845

Mr. PALLONE. Before we are finished with this special order tonight, maybe one of the things we could do is to bring up this memo that was sent out by the Republican leadership that essentially gets right to the point the gentleman is making about going out and hugging trees and going to zoos and all that to pretend that a Member is environmental.

Mr. DOGGETT. The gentleman is talking about the House Republican strategy for this year. That is where they got the public relations firm in to help them put a smiley face on their commitment to the environment by doing things like petting their dogs and that sort of thing?

Mr. PALLONE. I will read it directly. It will not take long. It is a pamphlet that was put out, I guess in October 1995, after the 9-month assault on the environment when they did the polling and found out that the public really did not like it, and it is amazing to me where they say, and I am just quoting, your constituents will give you more credit for showing up on a Saturday to help clean up the local park or beach than they will give a press release from someone in Washington talking about environmental issues. And they specifically say that you should go out and plant trees and go door to door and hand out tree samples, and then, last, become active in your local zoo. Go for a visit, participate in fund-raising events, become active on the zoo citizens advisory board.

Now, do not get me wrong, I am all in favor of planting trees. I have done it myself. I go to the zoo all the time. I am a member of the zoo here in Washington and elsewhere. But the point is, this is just being used as a way to cover up a poor environmental record.

Mr. DOGGETT. A gimmick.

Mr. PALLONE. Exactly. Going back to the gentleman's point on the Safe Drinking Water Act, I am hearing that some in the leadership now are so concerned about their poor record on that statute that they have actually reached out to the Democrats and are talking about possibly coming up with some compromise legislation. But I will believe that when I see it.

Mr. DOGGETT. I am encouraged to hear that, though I read just this week in the April 15 issue of Congress Daily an announcement concerning a draft committee recommendation on clean water legislation, and it was an expression of great concern by the environmental working group that the committee draft, and this would be, of course, the Republican majority committee draft, would weaken community right-to-know provisions and allow new industry oriented peer review panels to veto EPA standards. That is that the

people that pollute the water would be able to determine what pollution is and is not appropriate for our public law enforcement agencies to protect us against.

I would just point out that this is not, as this very cynical Republican strategy memo that the gentleman referred to, this is not just something coming from Washington. One of the people who wrote me within the last week is Pamela Garcia, who writes that Austin currently has the highest pure water standards in the State of Texas and I would like to see it stay that way. These high standards must be maintained to protect those most at risk from contamination.

I had a third grade teachers write, a woman who has committed her life to working with young people, to write to express concern about what she had heard about this same weakness in the community right-to-know provisions. Holly Long from Austin says that it may just be my imagination, but I thought the Government of our country is a place in the position that they are in to protect the rights of citizens that they represent. We should have the right to clean water and that right should be assured to us by the people that represent us.

I know the gentleman shares that view, that our job here is not to get on the side of whoever has the strongest lobby in Washington, but to stand up for people like Holly Long, who is out there trying to teach young people and bring them into the whole American dream; that we have a responsibility to ensure that she has an advocate here in Washington fighting for the right to be able to see endangered species in someplace other than a zoo, and to not have all those trees clearcut in our old growth forests, and certainly to be able to be sure when they get a drink of water out of the Colorado River in Austin, TX, that it meets the standards that we would expect and that the gentleman would want in New Jersey.

Mr. PALLONE. I agree, and I really appreciate the fact because I do not think anybody else tonight brought up this sort of Republican strategy which we have seen with a lot of the efforts to weaken environmental laws, where provisions that I call sunshine law provisions, let the light in and right-to-know provisions, the ability of citizen groups to bring suit, the ability of the Federal Government to provide grants to citizen action or activists who are going to look into or investigate environmental problems where they live.

These kinds of protections that basically get the public more involved and sort of let in the light so that we know what is going on, those are the very things that in many of these bills that have come up that we have seen the Republican leadership try to weaken those protections.

Mr. DOGGETT. Empowering the local communities to address these

issues. And, of course, I am so amazed at those who will come here on the floor of Congress and they will say, well, I am against pollution. I mean I am not in favor of pollution, I am just against the Environmental Protection Agency. Well, that is like saying I am not in favor of crime, I am just not in favor of the police.

It is the Environmental Protection Agency and some of our other protection authorities that are the law enforcement authorities with reference to the environment, just as our police and our highway patrolmen and highway troopers are the law enforcement for some of the other areas that affect our lives.

Just to give you another example, if I might. I am sure you have some of these from New Jersey, but another person who contracted me expressing concern about what this Congress is doing, particularly in the area of water quality, and I think again it really brings it home, it is not a battle between political parties or between Washington and Texas or New Jersey, but the fact that this affects the lives of real people who are struggling out there in America to make ends meet and who do not need the Congress getting in the way of their standard of living.

Susan Truesdale writes me:

Clean water is important to central Texans like me and my family. I can't imagine finding out 12 days after the fact that the water that my family and I had been drinking, bathing in, watering our pets and yards with, is contaminated with something that could possibly kill us or make us terminally ill. I don't want my kids drinking this stuff and not knowing. Vote to protect the right of Texans to be told immediately if our water is unsafe, for more protective standards not weaker ones.

And remember, she says, that many of our most vulnerable citizens are young people, are old people, people who have certain physical problems, certainly young women who are pregnant, who are most vulnerable to water that is polluted, to drinking water that does not meet clean water standards.

So I think, it is important that you have spent this time this evening bringing to the attention of our colleagues and to the American people how really far-reaching this very extremist agenda to undermine environmental law protection is, because I have found some people who are out there beginning to notice it and beginning to say, do not let this happen; that we have a responsibility to stand up and pose an obstacle to those who want to undermine environmental law enforcement.

Mr. PALLONE. I appreciate the gentleman's remarks, and maybe I could just briefly out sort the cynicism that I have seen around here on the part of the Republican leadership to the whole environmental issue.

I sort of started this evening by saying that when the Republican majority

was elected in November 1994, they put forward a Contract With America, so to speak. There really was nothing in there that would stand out to anybody who was voting that would suggest that they were putting forth an antienvironmental agenda.

But when Speaker GINGRICH was elected and when the House organized the Republican majority, very quickly we saw an effort by the Republican leadership to bring to the floor what we call reauthorization bills, where we revisit various environmental laws, like the Clean Water Act, and use those reauthorization bills as vehicles to try to weaken directly environmental legislation, whether it was the Clean Water Act or the Superfund coming out of committee or some of the other bills that we rely on as sort of the whole basis for environmental protection here.

Mr. DOGGETT. This was after they began the weekly meetings with the polluters behind closed doors here in the Capitol?

Mr. PALLONE. Absolutely, and it was well documented that much of the legislation coming out of committee was actually written at those meetings with the polluters or with the special interests, and that they were even directing when they were coming to the floor.

They were not terribly successful in accomplishing that goal of weakening those statutes directly because of course the Democrats in the House battled them, and even when the bills passed the House, they had difficulty getting them through the Senate because the Senate was not as responsive to trying to weaken the environmental laws.

So very quickly, after that first 6 months of trying to go directly at environmental protection standards and statutes, we saw the Republican leadership sort of regroup and look at the budget, if you will, and the appropriations bills as a vehicle to try to turn back the clock since Earth Day 1970. So we saw, as was mentioned by some of our colleagues here tonight, riders, legislative language, if you will, weakening language put into the budget.

We also saw, and most importantly, efforts to cut back on the amount of money that was appropriated for the agencies that protect the environment, like the EPA or the Department of the Interior, and even more so deep cuts in enforcement in those environmental cops on the beat, as you point out. Then, of course, by the end of 1995 we got to the point where we had these Government shutdowns, where those agencies were shut down and were not able to function at all.

I think at that point, and you and I recognize, I think, that at that point, at the end of 1995, Speaker GINGRICH and the Republican leadership started to do this polling which indicated to

them that the public did not like what was going on with their antienvironmental crusade. That is when we got the memo saying go out and plant the trees and join your local zoo.

Mr. DOGGETT. My concern is that that is all they plan to do; that they want to have good public relations but that they intend to continue, as far as I know they have not stopped their closed-door meetings with the polluters and special interest lobbies that they have here every week; that they will have the smiley face out there but they will still be trying to sneak attack with the environmental riders and the slashing of the law enforcement budgets for those that are there to try to assure that we have the clean drinking water that people in central Texas want and the clean air that I know people across the country want.

Mr. PALLONE. Exactly. That is one of the main points that we are trying to make here tonight and that the gentleman is making very effectively, which is that we cannot be fooled, if you will, by the fact that we are not seeing legislation coming directly to the floor now to strike the Clean Water Act, for example. Because we are still having, with these stopgap funding measures, significant cuts in enforcement, in the ability for environmental agencies to actually operate and to enforce the law.

That is continuing on a regular basis, and all efforts to try to sort of paper that over by suggesting that we are going to be a little better on the environment now is really nothing but smoke and mirrors.

Mr. DOGGETT. Or we could expect the same type of thing that we saw last year when there was a bill out here that was called the Clean Water Act amendments, but most everyone that looked at it referred to it as the dirty water act. Most of the commentators who studied it noted that it was not surprising that it was a dirty water measure that actually weakened, in the name of clean water, the existing law, because it had been written behind closed doors by the various polluters who had a vested interest in this matter.

Mr. PALLONE. Exactly. And the fact of the matter is a lot of the provisions in that dirty water bill are still attached as riders to these appropriations, as well as some of these stopgap spending bills that continue to come up, so they are not going away. They are still there, but now they are sort of hidden a little more.

I think it is incumbent upon us, as Democrats, and whether Democrat or Republican Members of this body who feel that the environment needs to be protected, in celebration, if you will, of Earth Day, that we continue to be vigilant and make the point that this Congress has been terrible, has been the worst Congress on record with regard

to environmental protection. We have to bring to the light and to the public the fact of how they are going about this, and how the Republican leadership continues with this antienvironmental agenda.

So I want to thank the gentleman again for being here tonight, and I know we are going to continue to make this point leading up to Earth Day next Monday and beyond.

Mr. DELLUMS. Mr. Speaker, I rise today to focus our attention on the upcoming Earth Day commemoration. Earth Day is a day we should all pause and consider where we are, where we have been, and where we are going. Earth is our home; we have no other. If we exhaust her resources; if we pollute her water, air, and land, there is no other place we can go. Rachel Carson first apprised us of the danger to our environment in "The Silent Spring" in 1962. Consciousness about the overharvest of renewable resources, endangered species, and pollution resulted in efforts on the local, state, national, and international levels to address these issues. Acting in the best interest of all the people and in the long term, Congress passed a number of laws that significantly improved the living environment of all Americans and helped to heal the damage done out of ignorance and greed the previous decades.

The Clean Water Act was passed in 1972. It protects surface and ground water. It provides water quality standards to control industrial and municipal pollution. It also provides federal grants to help states modernize public sewage treatment plants and reduce sewage discharges. As a result of this act, millions of pounds of industrial pollutants have been eliminated from our drinking water and from our rivers and lakes. Although the nation's waters are cleaner than they've been for decades, 40 percent of the Nation's waters are still not clean enough for fishing and swimming. Thus, we still need to maintain a strong Clean Water Act.

However, the Republican majority wants to substantially weaken the Clean Water Act. They want to exempt 70,000 chemicals from the act, allowing industries to pollute the Nation's waters as much as they like without any hindrance. They want to slough off the costs of their industrial production onto the American people. The big industries want the American people to pay for industrial pollution, and we will pay—with environmental losses. Fish will be poisoned, rivers and lakes will die, and we will be unable to swim and fish. The Republican majority wants to reduce funding for cleanup projects, which may reduce taxes in the short-term, but it will raise them later, because if we don't clean up the mess now, our grandchildren will have to do it.

The Safe Drinking Water Act has also been the focus of Republican attacks. The Republican majority killed Safe Drinking Water Legislation in 1994, and has made significant cuts in funding the safe drinking water infrastructure. Currently, a weaker bill—the Safe Drinking Water Act Amendments of 1995—is being considered. Without a strong Safe Drinking Water Act, we will pay with our health, from the potential negative effect of ingesting chemicals over the long term.

The Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] Superfund was created in 1980. Its purpose is to clean up the most polluted hazardous waste sites. It requires polluters to pay 75 percent of the costs of cleaning up the sites they pollute. The Federal Government pays the balance of the costs. Of the 1,400 sites identified for cleanup, only 349 have been completed. Because of the lack of commitment to cleanup by previous administrations, 60 percent of these sites have been cleaned up during the Clinton administration alone.

The CERCLA Superfund needs to be made more effective and efficient, not less. The Republican majority wants to change CERCLA to provide fewer cleanups. Instead of cleaning up hazardous waste sites, they want to merely contain them. They also want to shift more of the cost from the polluters to the government, making government—the taxpayers—pay 50 percent of the cost instead of 25 percent. The Republican majority has also halted designation of new sites and reduced the amount appropriated for cleanups.

The Republican majority has also been giving away America's natural resources to special interests. In years past, Congress created the National Park system, wildlife refuges, and National Forests. In 1995, the National Park system alone enabled 270 million people to commune with Nature. The National Park system includes National Parks, seashores, preserves, scenic riverways and trails. While these areas are in need of maintenance, the Republican majority has cut its operating funds.

In addition, the Republican majority wants to open up the Arctic National Wildlife Refuge (ANWR) to drilling for oil and natural gas without important environmental safeguards. ANWR is home to a wide variety of animals and plants, which will be negatively affected by drilling. They are also attempting to open up over 20 million acres of America's Redrock Wilderness to development.

The Republican majority wants to open up national forests to logging above the levels that are sustainable over the long term. They want to allow logging in old growth forests, the home of many endangered species of animals, birds, and plants. In the guise of salvage logging of dead and dying trees, they have passed legislation that opens up logging in these ancient forests, without compliance with environmental laws. The Republican majority is even proposing to dissolve the Tongass National Forest (America's largest rainforest), transfer ownership to the State of Alaska, and open it up to logging and other development. Thus, the heritage of all Americans is being sold to oil and timber companies, who don't care about the long-term health of the forests or the animals, birds, and plants that are dependent on them for their survival.

The Republican majority has also been attempting to gut the Endangered Species Act. Masquerading as reform, the bill was drafted by timber, mining, ranching and utility interests who would prefer to do business without regard to the harm it causes to endangered species and their habitat.

The Republican majority has resisted reform of the Mining Law of 1872, which allows min-

ing companies to take minerals from federal lands without paying royalties for them. Companies need only pay \$2.50 to \$5.00 per acre to carry off all the minerals they can extract. These are nonrenewable resources that are literally being given away to mining companies. The American people has a right to a reasonable return for their common property. But the Republican majority is resisting this needed mining reform.

The Republican majority has done all they can to cripple federal environmental laws. In addition to weakening individual environmental laws, they are attempting to undermine the enforcement of environmental laws by drastically cutting the budget of the Environmental Protection Agency (EPA) and by limiting the authority the EPA has to implement and enforce those laws.

In the guise of "regulatory reform" the Republican majority is attempting to undermine the environmental laws passed during the past 25 years. Calling environmental safeguards "red tape," they are trying to trick the American people into allowing big businesses: to pollute America's water, air, and land; to pay less than full value for America's timber and minerals; and to destroy America's wilderness and wildlife. In true Orwellian fashion, the Republican majority is trying to steal the common heritage of the American people, obfuscating it with anti-government rhetoric.

Earth Day is an excellent time for all of us to take the time to consider what kind of home we want to live in, and what kind of home we want to leave for our grandchildren. Will there be clean water, air, and land? Or will they be polluted, ugly, and toxic? Will we have any forests left? Will there be any wilderness and wild animals left? Clean water, air, and land is the birthright of all Americans. Forests, wilderness, and wild animals are our heritage too. Will our grandchildren curse us because we wasted their inheritance?

□ 1900

REFORM INITIATIVES

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I come to speak to my colleagues tonight here in the House to discuss some of the reforms that we have achieved thus far and where we need to go in the next few months to make sure we complete our agenda to create jobs, to have reforms and to make sure the institution that we are serving in and the public we are serving for are being properly represented in every way imaginable inasmuch as in a bipartisan way as possible, in that total effect.

Let me just review, Mr. Speaker, if I may, with you some of the important reforms we have achieved.

First on opening day we cut one-third of committee staff, eliminated 3 committees, 25 subcommittees. At the

same time we also passed a rule for this 104th Congress in the House, there would be no tax increase unless with three-fifths of the Members present voting for that tax increase, and I can report to you we have had no tax increases to date.

We also have one-third cut in the franking privileges, the free mailing privileges that Members have, and since that time some other additional reforms I think are worth repeating and worth underscoring for my colleagues.

We have passed a ban on gifts from lobbyists. Up until December 1995, lobbyists could give gifts to Members, whether it be a trip, or a dinner, or anything like that. And we took a stand, I think very strongly, very properly, saying since no Member in this House would want the adverse inference that their vote would be changed by a lobbyist giving a gift, we have now banned those gifts, the first Congress in history.

And we certainly are on the right direction as well, requiring lobby disclosure. We now know because we passed a bill that is signed by the President, bipartisan Congress, House and Senate. Lobby disclosure for the first time has been effectuated here, and because of the task force on the form, which I now serve on, a bill will be forthcoming to bring about campaign reform, as well, which I think would be the final chapter of this Congress' achievement, a ban on gifts, lobby disclosure, and filing campaign reform.

We have already saved through these reform measures, Mr. Speaker, \$150 million on just the operation of the House. I think that is a testimonial to the kind of hard work that the Republicans have initiated as a majority party, and we have had bipartisan support in all of those initiatives, and I think that says a lot about the membership reflecting the will of the people back home.

But beyond those reforms in the institution, we have also made great strides, moved forward to our agenda to try to make sure that we have a balanced budget. This House has passed for the first time since 1969 a balanced budget. Now, since we started that balanced budget, which was presented to the President and not yet signed, we have moved \$440 billion closer to the President's figures in trying to achieve the kind of an agreement that will not only bring us a balanced budget, but we are still \$440 billion on Medicare, Medicaid, environment and education, four areas that in a bipartisan way the Congress is moving to protect.

We just saw a week ago, Mr. Speaker, that a line-item veto was signed into law by the President. This will allow the President for the first time, like 43 Governors, to be able to cut out wasteful pork-barrel projects, ones that House Members in the past or Senators

may insert into the budget just to get a reelection effort or just to take care of their districts, but would not have regional or permanent value, that would be a project worthy. Now the President will have that line-item veto, and that is certainly a reform that this Congress can be very proud of.

We have also passed congressional accountability. That law says that anything that we pass will be applied to our staffs as well. In prior Congresses, as you know, Mr. Speaker, the fact is that the Congress itself was exempt from bills in the past, whether it is OSHA, or fair labor standards, or whether it is civil rights law. It is the last paragraph; Congress is exempt from the application of this law. And that was wrong in two ways. First, it was wrong because we did not understand the pain or the suffering put through some individuals and businesses with requirements of Federal law; and, two, it was unfair to the staffs of the Congress in being able to have the protections that laws can afford. And so the President did sign that law into effect, sometimes called the Shays Act, and CHRIS SHAYS, who is from Connecticut, deserves a great deal of credit for having moved that bill forward, and we adopted it here in the House and the Senate, and the President signed the law.

The unfunded mandates reform; I know that you back—Mr. Speaker, and served in Washington State, and you know that the Federal Government for years before you arrived here in Congress would send mandates back to Washington State or to your home community or your school district and said the Federal Government requires this, you got to pay for it. Well, that almost bankrupt some local communities, trying to see to the wishes of the Federal Government, least sensitivity of the funding that goes along with these programs that we implement.

So the unfunded mandates reform has been passed, and no longer can the Federal Congress, the House and the Senate, and together with the President, send back a mandate to home without the money that goes with it. I think the benefit of that is that we can make sure that what we send back is certainly going to be something that is worthy of having the Federal Government be involved with the funding as well as the initiative.

We also passed in this Congress a new crime bill, not just for more police on the street, which is certainly a positive step to take care of all local communities, but we also passed on this \$10.2 billion new program more funds for police officers on the streets, more money for police equipment, for crime prevention, maybe for a drug court, and leave to each community, county and municipality, or State the initiatives on

their own part to decide where the anticrime, where the prevention programs, should have the money best spent.

In some communities it might be establishment of drug court. In other communities it might be prevention programs. Still in others it might be rehabilitation programs to make sure first-time offenders no longer become full-time or professional criminals.

These kinds of initiatives will go a long way to improve our anticrime programs and to work with the attorneys general in each State and our U.S. Attorney General in trying to bring about more safety in our communities and in our States.

We have also passed initially in this House welfare reform. Now, the President said in 1992, when he ran, he wanted to end welfare as we know it. Now we send a bill over to the White House; it was welfare reform in a bipartisan fashion, passed by the House and Senate, has been vetoed. But we are still hopeful here in the House that there will be a bill upon which we can have the consensus and can get a final passage.

The kinds of things we are trying to get is to make sure there is a safety net for those who are unemployed or unemployable, but those who are able-bodied, what we are trying to do, Mr. Speaker, is make sure they have job counseling, job training, job placement, and day care, if necessary, to make sure that every individual who wants to work, who has the ability to work, will be able to work and have the pride of work.

But also part of the welfare reform legislation was appropriate funding and increased funding for food nutrition programs for schools and the WIC Program, the Women, Infants and Children Program. We think this goes a long way in trying to get the problems addressed because while we have spent 15 percent in the cost of one of those two programs, the WIC and the food nutrition, in the proposal that we have before the House right now is to have those programs block granted to the State, but the way we do it is we told the Governors you can only spend 5 percent on administration; with the other 10 percent that is in the budget, the money must go toward feeding more children more meals under the national standards of the National Science Foundation.

So, with those kinds of safeguards, we think the programs, closer to the people without the fraud, abuse and waste for anything will give us a better job back home, will give us a better chance to feed those children and to serve them well.

Our pro-jobs agenda has been one that I think that we can take a lot of pride. You know, many people said, well, what kind of health care provided for workers, for those employed? Well,

H.R. 3103 passed last week in the House provides several things. Most notably, Mr. Speaker, H.R. 3103 is going to make sure that our people who employed, when they move from one job to the other, or if they lose their jobs, that the insurance is portable. And that is very, very important. It also insures that no matter what preexisting condition you have you cannot be denied the coverage. It also provides medical savings accounts.

So these are very positive things for workers that we want to make sure, hopefully the Senate will agree, and the President, as well, will sign.

We also want to try to get 100 percent deductibility on health insurance to encourage employers to provide the health insurance for their workers.

We also are discussing investment tax credits and research and development tax credits for the purpose of making sure we encourage investment, encourage new jobs, retaining jobs, and to make sure that we keep our businesses here in the country and not overseas.

We also are looking for regulatory relief, and our purpose is to try to make sure that we do not duplicate what States are already doing. Mr. Speaker, we cannot really have regulation upon regulation when they have already made sure that they done in the States, they have to duplicate in the Federal Government.

We have with us tonight our colleague, Congressman TAUZIN, who I hope will join us here and talk about some of these reforms that we have had in the Congress and where we go in the future of this second session of the 104th Congress. I will yield to him to give us his thoughts on where he thinks the continuation of this revolution will go.

Mr. TAUZIN. I thank the gentleman for yielding.

I particularly wanted to join you because I listened to the special order that preceded you, and if you were to listen to that special order, you would assume that much of the regulatory reform efforts that you just referred to that were conducted during the previous year in this Congress were somehow aimed at destroying the environment, creating dirty water and dirty air and somehow making life unsafe and unhealthy for us, when nothing could be further from the truth.

The fact is, as we approach Earth Day and we celebrate a much cleaner environment for America, the fact is that we ought to reflect upon what we fought for earlier this year, that some of which remains yet undone and some of which needs to be accomplished in this session of Congress or the next.

Now, one of that is regulatory reform. Now, again, if you would listen to that special order that just occurred, you would think, for example, that the clean water bill that this

House produced was somehow a partisan special-interest piece of legislation that was not designed to do anything about clean water in America. The truth was that it was supported by a large majority of this House, bipartisan in nature, Democrats joining Republicans, attempting to bring some rationality to the section of laws that deal with clean water regulations in America, particularly trying to define wetlands in a way that we can properly respect the preservation of real wetlands and at the same time respect the rights of property owners and people in America who are affected by those regulations.

Now, the properly rights bill itself was one that was supported by many Democrats in this House, and we sent it down to the Senate. It was a bill that simply set up due process rights for property owners who were affected by some of the regulations dealing with either the Endangered Species Act or the pull for wetlands regulations.

In regulatory reform, you will recall that when this House passed its regulatory reform bill, the Republican majority was joined by many Democrats who agreed with us that it was time to put some risk-benefit cost analysis into the process by which the government makes regulation. Why? Because we simply want to make sure that regulation makes common sense, that you look at the real risk you are going after, analyze it carefully and look for the least-cost method of achieving a reduction of that risk in our society, making sure, in fact, that regulations issued by bureaucrats made common sense.

Was that an attack on the environment? Of course not. We want a safer, cleaner, healthy environment for America, but we simply want the regulators in Washington, who are sometimes out of control, sometimes not living in the real world, to simply take people into account and to make their regulations make common sense.

This House overwhelmingly endorsed that proposal and sent it down to the Senate. We have still not seen that enacted into law. But we stand for those propositions tonight as we did earlier this year. We stand in this week when we celebrate the planet and clean air environment, we stand for a cleaner healthier, safer place for Americans to live, but one in which Federal bureaucrats start treating people with a little less arrogance, when they start making regulations that take risk and cost into account, that they start respecting property rights in America, that they start respecting the very people they are supposed to serve in America rather than ramming regulations down their throat that sometimes do not make sense.

In short, we are looking for more effective environmentalism, more effective regulatory structures that really

work. We are looking for as much voluntary agreements and conservation, voluntary agreements, as possible, consultation with local folks, bringing, in fact, environmentalism back home where it belongs instead of here in Washington in some Federal agency.

I remember recently when Bruce Babbitt, Secretary of Interior, visited Louisiana, he went down and talked about the Republican assault on the great outdoors. My comment was, Mr. Babbitt, you don't understand something. Sir, we love the great outdoors as much as you do, perhaps more than you do, in Louisiana. We grew up in the great outdoors. It's the great indoors that we complain about, the indoors where all these Federal bureaucrats who have lost sight of reality and make all these regulations that just don't make sense that Americans can't live with and that in many cases disrespects constitutional rights, civil rights, like the right to own private property in our country.

And so as we fight to balance those things, as we fight to bring some common sense to regulatory reform, respect for property rights, and some regulations dealing with wetlands and clean water and clean drinking water that indeed are based on good risk analysis, cost-benefit analysis; in other words, regulations that achieve their results more accurately for Americans. As we make that fight, we will also celebrate with our colleagues on the other side Earth Day this week.

□ 1915

We are going to try to see to it in the coming weeks and months, for example, that we make a new Superfund law for America, one that does not waste all the money that is collected in a courtroom with lawyers and others making all the money in the system and nothing getting cleaned up.

The President in his State of the Union address, his first State of the Union address, pointed out to us how awful that was, and called upon us to change that law. We are going to try to do that, JON, to pass a good Superfund law, a good clean drinking water law, and get the Senate, hopefully, to agree with us eventually on good, safe, clean water acts and property rights and regulatory reform.

Mr. FOX of Pennsylvania. Mr. Speaker, I would say this to the gentleman. One of the items he brought up about being commonsensical about the environmental laws, our chairman of the Committee on Science, the gentleman from Pennsylvania, BOB WALKER, said we should have strong environmental laws but they should be science-based, based on what—we know we can improve the environment, but based on those who are expert in the field coming forward and telling us how can we achieve that end. I think that is very important.

Certainly you hit an item on Superfund. We have seen since 1980 when Superfund was first created, most of the funds have been spent unfortunately not on the cleanups, which are in some cases not that great a deal of money, but we have been fighting over who the potentially responsible parties are under the Superfund law. So the money is going into lawsuits instead of the cleanups.

I think with the reform that you are speaking to, that the House is going to be addressing, it is going to finally get some of these cleanups going. Most of the companies that have been involved want to do the cleanup, but they are in court because of one party or the other is disputing what percentage of liability they have.

Mr. TAUZIN. Mr. Speaker, if the gentleman will continue to yield, why they do that, the reason they spend so much time in court battling over liability, is that the current law as it is written has this so-called deep pockets provision in it. So if you contributed 1 percent of whatever is in that site, you could be liable for 100 percent. If you are caught having contributed that 1 percent and you are told that the other parties are not found liable, you are going to have to cough it all up, you are going to try your best to bring them all to court and fight over that liability forever.

The result is the government spends the taxpayers' dollars in that courtroom, the private parties spend interminable amounts of time and money in that courtroom, and in the meantime the citizens out there waiting for the cleanup to occur wait and wait and wait, and the money is wasted and no cleanup occurs. That is what is wrong with this system. It lacks common sense.

If we had a system, for example, that said if you are known to have contributed 20 percent and you are willing to put up your 20 percent cost up front without a legal fight, so we can take that 20 percent and go start cleaning up that site, would that not make better common sense?

Mr. FOX of Pennsylvania. It certainly would.

Mr. TAUZIN. Of course it would. That is what we are trying to do in this reform. In short, we are trying to bring commonsense environmentalism to America. We are not trying at all to back away from our commitment to the environment.

I believe, and I know most Members of this House believe, that we are here as guests on this planet and that we share it with other forms of life, and we all breathe the same air and drink the same water. We all cherish clean water and safe environments for our family. But we ought to have commonsense regulation out of this Federal Government, and very often we do not.

We end up wasting the money, the precious dollars that ought to go to cleaning up places in America and making it a safer, healthier place for our children.

Mr. FOX of Pennsylvania. I think what we need to do is to work with the EPA, work with the advocacy groups, with our colleagues, to make sure this is a bipartisan issue, because there is no one party that is for the environment. Both parties are for the environment and both the Congress and the White House are for the environment. Now it is a question of how do we get up there.

Mr. TAUZIN. Yes, but you would not believe that by listening to some of this debate on the floor. The fact of the matter is there are quite a number of lobby groups in this town on both sides of this equation who have very special interests. There are environmental lobby groups who have very special interests in keeping a fight going, raising more money and fighting some more. There are other groups out here who obviously would like to not see any environmental protection in the land.

Neither one is right. What we have to do is find the balance to make sure that neither one of the lobby groups sneak away with the issue and we never get anything done, but that in fact Americans get a cleaner, healthier, and safer place to live in out of this maze of regulation and legislation.

The bottom line is we ought to be asking the simple question, does this work. If it does not work to bring us a cleaner, healthier place, if it does not work to save a species, if it does not work to really protect wetlands, then let us build a better system. Let us build one that makes common sense and works and delivers for Americans what they are paying for, which is cleanup of hazardous sites, which is protection of endangered species, which is protection of valuable wetlands, and protection of the clean water and the air and the lands upon which we live. If we deliver on that promise, it will be the best bipartisan gift we can give to America, not only on this Earth Day, but on every Earth Day.

But if you listen to some of the debate on this floor, I mean, you would believe that some of us really do not want clean air and clean water and a clean place for our families. Nothing could be further from the truth. The fact is we all want it, we just disagree on how to achieve it. We disagree on how in fact to attain that good environment for our families.

In the end, that is a debate that we ought to have, but we ought to do it with a little less of this partisanship, a little less of this acrimonious sort of name-calling and get-ready-for-the-next-election, which seems to pre-occupy this Chamber too much.

If we remember as we approach Earth Day that we have a common goal here to make regulations work for the good not only of our environment but for the citizens who live in it, then I think we will be on solid ground.

Mr. FOX of Pennsylvania. I think we will.

Mr. Speaker, I think the gentleman's approach, which is one that is global, that is pro-environment, pro-people, and one that is going to bring about positive change with common sense, I think that is what the American people want. They do not want to see anymore rhetoric, they want results. I think by following the Tauzin plan, we will achieve that.

I think just as important as achieving the protection of our environment, as the gentleman has outlined, whether it be Superfund or endangered species, clean water, clean air, we also need to have FDA reform. I have been working with you and others on your Committee on Commerce, and I know the gentleman from Texas, GENE GREEN, was the task force chairman that the gentleman from Virginia, TOM BLLEY, has appointed, and I am very excited about the progress we are going to make in that area not only on the drugs and medical devices, but also in the food area, to make sure that we speed up the approval of drugs and medical devices so life-extending drugs and life-saving drugs will be approved more quickly, because we do not want that technology or the work force or the jobs to be going overseas. We can keep it here, whether we reorganize FDA, that they need more people, or they need to be out of their morass of over-regulation. We need to save lives. That is what the name of the game is. With FDA reform and environmental protection, we might find people living much longer and much better.

Mr. TAUZIN. Mr. Speaker, in all this process of RDA reform, we have to keep our eyes, again, on the ball. The ball in this case is to make sure that food products Americans enjoy are safe products. That has to be our pre-eminent goal. Our second pre-eminent goal ought to be to make sure as we regulate good and drugs in America, that we do have a climate where new inventions and developments can reach consumers as rapidly as possible after they have been appropriately tested, so Americans do not have to run to other countries to get treatments that should be available in America, so that new devices and new drugs and new treatments can be available to citizens here, and so that in fact they can be available at an early date to save a life or prolong a life.

FDA reform is critically needed in that regard. I want to join you in the hope that we can accomplish that before the year is out.

Mr. FOX of Pennsylvania. Mr. Speaker, the average drug now might take 12

years and \$350 million to come to market. Some people cannot wait 12 years to get that miracle life-extending drug, and \$350 million is a lot of money for a company to invest without ever getting approval.

Mr. TAUZIN. Guess what, too, after they have invested 12 years in that drug and \$350 million, where do you think they get that money from? It goes into a much higher costing drug that Americans may need to save their lives or prolong their lives.

If we can simply have a better process that does not take 12 years, that does not cost \$350 million, we will also be providing life-saving and life-prolonging drugs and treatments to Americans at more decent prices, which is a critical component of our health care reforms. We hope to accomplish again some of that this year.

Mr. FOX of Pennsylvania. The work that has been done so far by the gentleman from Texas, JOE BARTON, the gentleman from Wisconsin, SCOTT KLUG, and, as well, the work of the gentleman from North Carolina, RICHARD BURR, they have been appointed along with the gentleman from Pennsylvania, JIM GREENWOOD, in your committee to move this initiative forward. I am very much heartened that it has been a bipartisan area of legislation.

I think besides the environmental protections you have discussed and some of the pro-jobs things we have also discussed, getting FDA reform this year is one of the most important areas in which I think that we have accomplishment.

Mr. TAUZIN. Mr. Speaker, I would ask the gentleman, did he mention the success this House had in passing a health care reform bill this year? That came from our committee as well. For the first time, we finally got a bill out of this House that deals with the terrible issue of portability, as Americans move from job to job and lose their insurance.

This bill now says you can take your insurance with you when you move jobs. It also takes care of this terrible problem of preexisting conditions. When you move from one job to the next, you might not have been able to get insurance for the thing you had, that you had coverage for at your old job.

That bill dealt with that preexisting condition problem, and made other good cost-saving reforms in malpractice insurance, in paperwork reform, waste, fraud and abuse. It was the first real targeted effort to begin the process of reforming insurance for medical care in America, and reforming the availability and affordability of those systems for more Americans.

Mr. FOX of Pennsylvania. While still retaining the choice of doctor and hospital for each patient.

Mr. Speaker, I would like to have the gentleman from Minnesota, Mr. GIL

GUTNECHT, join us in this dialog. It is very important. He has been one of the very hardworking reformers in this 104th Congress, trying to make sure we move forward in our agenda to be responsive to the American people, and I thought he might want to join us.

I yield to him for the purpose of giving his reflections on where we have been up until this point and where he might see us going for the remainder of the 104th Congress.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me.

Mr. Speaker, it has been a privilege to be part of this 104th Congress. The gentleman and I, and I think most of us, went home and had town meetings, the gentleman from Louisiana [Mr. TAUZIN], and I suspect you did as well. One of the most frustrating things that I found was how many times what we really have accomplished, what has really happened in this Congress, has been in some respects misrepresented by some of our adversaries and not always accurately reported by the press.

As a matter of fact, one of the things we did in our town meetings, talking about reform and saving the Medicare system, it has been difficult sometimes, because we have to go over the same ground, and I found in my town meetings where we could explain exactly how much we are spending today in Medicare, how much we are proposing to spend in Medicare, and it goes from about \$161 billion in fiscal year 1995 to \$247 billion in the year 2002.

Once people get those numbers, some of them actually scratch their heads and say, "Well, wait a second, I keep hearing you are cutting Medicare," when in fact we are making big increases in Medicare. As a matter of fact, a few say, "GIL, maybe that is true, you go from \$161 billion to \$247; yes, that is probably an increase, but if you divide it by the number of seniors, there are going to be more seniors in 7 years than there are today, so what is that number?" That number is \$4,800, and it goes to over \$7,100 in just 7 years.

Mr. TAUZIN. Even accounting for the increase in seniors.

Mr. GUTKNECHT. Exactly. That takes into account all the new seniors that are coming. One of the things that I found that really began to get people's attention is when I would stop after I had made that presentation, giving the real numbers and our budget numbers, and said if we do this we can save the system. If we continue to do what we have always done, the system goes bankrupt.

Then I would always tell them that I was born in 1951, and that may not be significant, but when I graduated from college, the Speaker at our commencement address was the director of the U.S. Census. He told us something that day that I think is very important. He

said that there were more babies born in 1951 than any other year. We are the peak of the baby boomers. There are more people right now 45, and, well, that has probably changed somewhat, but at that time there were more people 22 than any other single age.

Both of my parents are living, and God bless them, I am happy to have my parents both living and we are delighted, and it is a blessing to have them with us. They are both on Social Security, they are both on Medicare. As a baby boomer, I feel that I have a moral responsibility to my parents. But on the other hand, I have three teenagers. I have a moral responsibility to them, too. I think we ought to offer them the same kind of opportunities, the same opportunities of the kind of standard of living which we enjoy today.

So in some respects, I think baby boomers stand on the hinges of history. I think we have a moral responsibility to seniors to make sure they get the kind of care and benefits they are entitled to, but on the other hand, if we allow the system—as my grandmother used to say, if you always do what you have always done, you will always get what you have always gotten. What we have got is a system that is going bankrupt.

Frankly, I think we have a moral responsibility to do what is right, to save the system, not only for current seniors but for future generations of seniors. I am proud to say this Congress has been tackling that issue head on, and by using competitive forces, some of the marketplace changes that are happening out there in health care today, we can save Medicare. The same is true with the environment.

One of my favorite Presidents was John Kennedy. He said that we all inhabit this same small planet, we all breathe the same air, and we all cherish our children's future.

□ 1930

I might add, parenthetically, we are all environmentalists. Is there anyone who does not want clean air and clean water for their kids? I do not think there is anybody. But the question is, will we continue to impose \$50 solutions, Washington-based solutions on those problems out in the States and the districts?

I think if we work together, if we have an honest dialog, we can have a cleaner environment, we can have a balanced budget, we can have a lot of these things we are talking about, because we have got to get the whole notion that all good ideas reside in Washington, we have got to get that out of our system, because it has not worked. The evidence is overwhelming.

In fact, if Washington-based solutions worked, Washington, DC, would be the most efficiently run city in the world, and we all know that is not true,

because we live here. We see it every day. There is a lot of common sense in Louisiana, in Pennsylvania, in Minnesota, all over this country. We have got to tap into it.

So I am proud of what we have done in the 104th Congress, I think we are doing the right things, making the reforms that need to happen. I must confess that we have not always communicated very well, but we have got to do a better job of that.

I think once the American people understand what we are trying to do and how we are trying to do it, to decentralize the bureaucracy, put more of the decision-making back in the districts and in the States and in the hands of individuals, all sharing the same goals, I think we are going to change the course of history. I think once the American people understand that, they are going to be far more supportive than sometimes the polls show them.

Mr. TAUZIN. I want to thank the gentleman for joining us and congratulate him on an excellent statement.

My mother is on Medicare. I got a wonderful call from her just today telling me that she is finally out of the hospital, been discharged, doing well. She is a twice cancer survivor on Medicare. Do not think for a second that I am going to not do everything I can to make sure Medicare does not go bankrupt, for her and for everybody's mother and father that we cherish and love as much as I love my own mother.

The bottom line is, we cannot let that system go bankrupt. If we do not face that problem head on, as the gentleman has said, and provide new solutions for it while at the same time increasing the benefits per beneficiary, as our plan did, and preserve for every Medicare recipient the right to go to the doctor of their own choice and to stay in the Medicare system if that is what they choose, if we do not do that kind of a reform, how are we going to save this system?

And if we do not save it, 7 years from now, when it is about to go bankrupt, are we going to let that happen? No. We know what is going to happen around here. There will be a doubling of the payroll taxes to save it, and then the next generation will be threatened with bankruptcy. We will have been imposing an undue burden on the children and grandchildren to save a system that we should have saved and could have saved today, and the gentleman is so right in that regard.

When it comes to the business of finding common sense in America, I agree with him. The best common sense resides in those town hall meetings back home. That is where I really learn the truth about many of the issues we debate here in Washington. That is where folks really tell us how the real world works and where the good ideas are, and more of us I think

ought to spend time in those town hall meetings and less time here in Washington.

Mr. FOX of Pennsylvania. They do not feel any qualms about telling us where to go and how to get there. That is good. That is how we learn.

But let me say this about the Medicare situation. We are the individuals in the majority party that said, look, we think seniors are very important. We want to roll back that unfair 1993 tax on Social Security. We passed a bill to that effect. We are the ones who said, look, we want to raise the income eligibility from \$11,280 without deductions from Social Security for those under 70 to \$30,000 a year. We passed that.

We are the same ones who are saying, look, we love our seniors, want to make sure they live long and well, as long as possible, but what we want to make sure of is we take out the waste, fraud, and abuse in the system, \$30 million a year, and make sure we keep those savings for health care only, not to go somewhere else in the budget.

We also want to take the medical education, now part of Medicare, for direct and indirect costs for interns and residents, a very valuable program but it should be a separate line item in the government. We should make sure that those dollars also go to Medicare for seniors.

We want to see paperwork reduction from 12 percent of Medicare costs to 2 percent while still offering Medisave accounts and managed care for Medicare.

Doing all that together, we are talking about a 7.5-percent increase a year for Medicare, double the rate of inflation. And frankly, knowing the bipartisan House we have here now, if we need to make increases in Medicare, we will do it.

But to have people say through demagoguery or rhetoric that any one party does not want to do what is right for seniors is absolutely wrong, because we are looking for increases here to make sure Medicare works but get that fraud, waste, and abuse out of it, because I want to make sure those dollars are being spent for seniors' health care and not for a provider to become rich.

Mr. TAUZIN. The gentleman from Pennsylvania [Mr. FOX] said something worth repeating. At one of the town hall meetings during the break, it happened to occur on the 4-year anniversary of my father's death. I spent that morning with my mother.

We recalled together how one of the things my dad had always asked me to try to do as his Congressman, as his son and friend, was to do something about that awful income earnings limitations that we put on seniors under Social Security. My father was living under Social Security until his death, and the idea that we told him and

other seniors, "Don't go try to earn more money to have a good life, because we're going to take your Social Security away if you dare go out and continue to work," was an insult to him.

One of the sterling accomplishments of this Congress has been to raise that earned income limitation now to \$30,000, so now seniors can earn up to \$30,000 without affecting their Social Security check. I remember telling the audience that night, I said, "Dad, this one's for you."

This one is for all the seniors who have been asking us to do that for so long, and to stop this awful tax on their Social Security benefits that was imposed during the early years of the Clinton administration, and this House did that. It has repealed the tax on the Social Security checks that seniors get around the country. I hope, frankly, we can see that enacted into law in a much bigger income tax reform that all Americans can benefit from before this Congress is over.

Mr. FOX of Pennsylvania. One of the other areas we are working on for seniors that the gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Louisiana [Mr. TAUZIN] have been the leadership point for, and I think it is very important and worth repeating, is that we are also trying to make sure we have enough funds for in-home services. While people are living longer and better, we want them to live longer at home and less in a nursing care situation for as long as we can put that off by having additional funds for in-home services.

And also I think what is very important is that we are spending money, and it should be, on women's health care initiatives. That is a very important program that we in a bipartisan fashion are trying to move forward, additional funding of research for osteoporosis, for cardiovascular diseases, for cancer, for uterine, ovarian, and breast cancer, additional research in that area as well as for menopause. We are also talking about, instead of having every other year under Medicare for mammograms, doing them yearly.

Those are the kinds of changes this Congress is moving forward on because we want to make sure our seniors and others are living longer and living better.

Mr. GUTKNECHT. This is part of the frustration, the list that the gentleman just went through. I suspect most Americans, particularly American women, do not know how much this Congress has really done. It is so frustrating because it seems to me—and I do not mean to be critical of the press but maybe I guess I am—these are the kinds of things that need to be reported more, and frankly too many Americans do not know how much this Congress has accomplished.

But, again, I am proud of the 104th Congress. This has been a can-do Congress from the very first day. The gentleman from Pennsylvania [Mr. FOX] remembers as I do that very first day, and the gentleman from Louisiana [Mr. TAUZIN] was on the other side of the aisle that day, but it is great to have him with us now.

But the point is that from the very first day, we were enacting reforms which a lot of people, and I am sure the gentleman from Louisiana [Mr. TAUZIN] included, had been trying to get reformed here in this Congress for many, many years. The very first bill, H.R. 1, the Congressional Accountability Act, the Shays Act, to make Congress abide by the same laws as everybody else.

We actually for the first time in I do not know how many years had an audit of the Congress, and frankly what the auditors found was, this Congress itself has not been very good at managing its own funds and has not been very accountable for its own funds. If we look at item after item, this Congress has really changed the course of history and we have changed the nature of the debate in this body.

Frankly, it is frustrating sometimes to go home and have to re-explain that, because I think in some respects the press has done such a miserable job, in my opinion, of telling how many good things this Congress has done, and so sometimes it is very frustrating for us to have to go back and tell the story. But on the other hand, I guess that is part of our job, as well, to talk about what is happening.

Frankly, let us also admit we have made some mistakes. That is part of being a democracy, that is part of a democratic republic. We are going to make mistakes, but I think on balance I am proud of the record of accomplishment of this Congress.

It has been a Congress that has been dedicated to reform, whether it was welfare reform, Medicare reform, Medicaid reform, or even reforming the way we keep our environment clean and pure. We have been willing to take a look and take some of the tough votes, take some of the criticism, because I think in the long light at the end of the tunnel, at the end of the day, I think the American people will look back and say, hey, they were doing the right things, moving in the right directions, taking power away from Washington, decentralizing, using market forces wherever possible and ultimately trying to get more services, more good, more bang for the buck for the taxpayers who pay the bill.

I am proud of this Congress. I am delighted to have the gentleman from Louisiana [Mr. TAUZIN] with us as a Republican. The gentleman gave a great presentation at noon for the consumption tax, sales tax, whatever we want to call it. I think that is another issue.

We saw on April 15 the American people have had enough with our current tax system. I do not want to take too much of the time, but 6 billion man hours are invested in keeping records and filling out forms for the IRS. Frankly, the time has come for all Americans, we need a national tea party, because this country was founded by tax protesters who said enough is enough.

Six billion man-hours, and put that in perspective. That is how many man-hours that are used to build every car, every truck, and every airplane built in the United States. That is how much time is spent just keeping records and filling out forms for the IRS. We have had example after example. Money Magazine has surveyed, you can go to 50 different tax professionals, you can go to 3 different IRS offices and get different answers from all of them.

The truth of the matter is, we all know that the system we have in terms of collecting revenue for the Federal Government is broken. We have had the courage, the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Michigan [Mr. CHRYSLER], and others have had the courage to take this issue on, go forward and begin to put some programs on the table, some bills on the table, so we can have a national debate, a national dialogue, and really come to a conclusion in terms of what kind of tax policy we ought to have, what is the maximum amount the Federal Government ought to get and what is the simplest way, the most efficient way for the Federal Government to raise the revenue.

I congratulate the gentleman. His presentation at noon was one of the best I had ever heard. I congratulate the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Michigan [Mr. CHRYSLER], as well, because they have all been working together. In fact, when they started on that proposal it was clearly bipartisan. We hope to encourage more Democrats to join that debate as well.

Mr. TAUZIN. I thank the gentleman. One of the reasons why I think this has been a do-something Congress that has been unrecognized is that much of what we have done and completed went to the White House and got vetoed. We have got to remember that.

We did pass Medicare reform through both houses of this Congress and it got vetoed. We did pass a balanced budget bill for this country and it got vetoed. We passed a Medicaid reform bill and it got vetoed. We passed welfare reform twice and it got vetoed. We passed product liability reform and it is scheduled to get vetoed.

We had a liability reform bill dealing with securities laws. That got vetoed. We mustered a two-thirds majority to override on that one, but most of these bills have been vetoed. We do not have a two-thirds majority to override.

But this Congress has produced and believe me, if we could, this Congress would produce a complete repeal of the IRS and the income tax, as our bill would do, and the whole mess of guilty until proven innocent and double taxation and the awful mess the IRS has created for this country. If we could appeal it this year and substitute an alternative tax system that was fair and made sense for Americans, I would love to see it done this year.

We have at least put an idea on the table. That is part of what this Congress has been all about, putting new ideas, new reform concepts on the table, passing many of them, as the gentlemen from Pennsylvania [Mr. FOX] has pointed out, some of which has become law, many of which we are still fighting over because they have been vetoed. But we are going to keep up that fight until we win those reforms.

Mr. FOX of Pennsylvania. I think the people driving it frankly are the people back home. They are saying they want a simpler, fairer, flatter tax. They also say they want the IRS to be changed. Some want to eliminate it, to be sure. But the Taxpayer Bill of Rights which the gentleman has been active on, with the gentleman from Connecticut [Mrs. JOHNSON], is going to provide, I think, part of the first antidote for the problem.

Mr. TAUZIN. That was passed yesterday with a huge bipartisan majority.

Mr. FOX of Pennsylvania. And it provides, if I recall correctly, that the taxpayer will have an advocate at the IRS who will intervene on their behalf. It waives the interest charges and penalties when the IRS is at fault. It extends time for taxpayers to pay delinquent taxes without being subject to interest charges from 10 to 21 days. It expands measures to protect rights of divorced filers. It provides the IRS with authority to return levied property. It increases the maximum award amount from \$100,000 to \$1 million for reckless collection actions by IRS, and establishes accountability by requiring the IRS to file an annual report to the tax writing committees, of which the gentleman is a part, documenting misconduct by IRS employees.

So I think that it does take for the first time a bold step, saying, sure, there are good employees at IRS, we are not saying that. We are saying we want a system that is fairer. They are doing their job. We are saying we want to make sure that the taxpayers also have rights, they also are heard, and not treated as a number but as people who want to pay their fair share, want to pay it but they want to make sure they have their rights protected. That is what this law does in a very strong way for the first time.

Mr. GUTKNECHT. I think if I could jump in here, I think the Taxpayer Bill of Rights is a giant step in the right di-

rection, but ultimately what we need is a much simpler tax system than we have today.

□ 1945

The idea that Americans are spending six billion hours, are intimidated by an agency that has 110,000 employees, that idea is an idea whose time has passed. The idea whose time has come is a much simpler tax system, whether it be the consumption tax, whether it be a flat tax, or whatever. I am not certain what the right answer right now is. Representative TAUZIN does a beautiful job. I hope he will have some special orders between now and the end of summer so the American people can begin to understand what we are really talking about, what the problem is, and how your particular solution will address that.

But I think we need that national dialogue, and ultimately what we need is a much simpler tax. Frankly, the taxpayers Bill of Rights does begin to level the playing field. Because heretofore the IRS had a huge advantage and they used the power of intimidation over individuals.

Mr. TAUZIN. Think about it, there is no other place in America, not even our Federal courts, where you go and you are presumed guilty. Even in Federal criminal court you are presumed innocent, and until the State proves you guilty you walk out a free person. With the IRS, you are presumed guilty until you prove yourself innocent. What an awful type of situation Americans find themselves in.

Worse than that, as you know JON, the IRS is a double taxation system. Not only does it tax your income, but every time you buy anything made in America, you are paying the tax of every business that contributed to the manufacture of that product. Economists tell us that could be a hidden tax of between 10 and 14 percent on the price of everything made in America. Unfortunately, we do not charge that tax to products imported. So, guess what? We import more products.

It is a system that tells us do not earn money, do not save money, do not invest because we are going to penalize you, do not try to leave anything for your kids because we got inheritance and gift taxes that will catch you then. Even when you spend money, you better buy foreign products, because if you buy anything made in America, we are going to double tax you.

It is a horrible system, and it is time we think about changing it for the good of every taxpayer; but, more importantly, for every wage earner and every business in America that would like to manufacture things here instead of manufacturing them all over the world.

If we have that debate, honestly and forthrightly and in a bipartisan fashion, to make sure whatever we substitute for this system is indeed a fair

system, it is simpler, makes better sense, does not double tax us, does not tax American products only, but taxes fairly all products in our society, so we can encourage manufacturing again, if we have that debate as part of this agenda to do something in this Congress, move these reforms forward, I will feel a lot better than I do already about a Congress that has made some great progress to this date.

Mr. FOX of Pennsylvania. If I can ask you, Mr. TAUZIN, beyond the discussion we had on flat tax, with or without deductions for mortgage, the Armey and Specter versions, as well as the Forbes version, and the consumption tax and national sales tax, what other programs are your committees looking at as far as tax reform?

Mr. TAUZIN. The Committee on Ways and Means is the committee doing it. I do not actually serve on it. BILL ARCHER is the Chair, and we are working closely with BILL. Mr. ARCHER actually supports this consumption tax concept. But he is not making that decision right now.

What he is doing is the right thing. He is going to hold hearings on this proposal for a national sales tax. He is going to hold hearings on the Armey flat tax proposal. He will hold hearings on alternative proposals, such as the value added tax or anything anybody wants to come up with.

By October, the Committee on Ways and Means will report to the American public. Hopefully the candidates for President will join in that debate, and by next Congress, maybe we can have an American tea party, and Americans can express themselves and dump this whole system into the Boston Harbor and rewrite something that makes sense for Americans again.

What we recommend is to pull the IRS and the income tax out by its roots, to get rid of the whole mess, to throw away the inheritance and gift taxes along with it, and substitute a simple national retail sales tax at the end of every purchase, providing a complete rebate to incomes under the poverty level, so that no one is hurt under poverty, and providing the same treatment for home ownership the current code does to encourage families to own their homes and build their families here in America.

It is an awfully interesting concept, but it is only one of many. The Committee on Ways and Means is going to look at them all and hopefully report to the American people by October which one they think makes the best sense, and we will have this debate next Congress.

Mr. FOX of Pennsylvania. I think Congressman GUTKNECHT and Congressman TAUZIN, as much as it is important to reform the tax structure, and, believe me, the American people want that, they also want to make sure we have a more business friendly Congress and business friendly government.

What I am talking about now is people who have tried to deal with the Federal Government to do work. I had a gentleman who has a business in my district that wants to do business with the Federal Government, but he had 187 pages he had to fill out for a \$25,000 contract. He had to hire an accountant, an attorney, and an engineer to assist him in that regard.

I do not think we are not a business friendly government if we cannot figure out a way to make sure that we encourage people to be vendors, those who can come forward with their Government, give a quality product, and try to sell it to the Government on a bid process.

I am talking about getting the best product for the lowest price. Well, he may have had the best product, but the Federal Government will never have the chance to buy it, because he did not want to go through 187 pages of paperwork.

So I think that has to be part of our initiative, to make sure this is a government that works leaner and works better.

Mr. TAUZIN. Indeed, to go back to taxes, the Kemp Commission reported that the average small business in America spends \$4 complying with the Tax Codes for every \$1 they send the Federal Government. Think about that, when our forms and our regulations are so complex that you have got to hire so many accountants and go through so much paperwork to send the Government \$1 you have got to spend \$4 in your business. And guess who pays all of that? The consumer does in the end. When our systems are so complex that people cannot bid to do Government work because they cannot get through the bureaucracy and the paperwork, when businesses cannot even pay their taxes without spending four times as much as the tax liability, spending it on paperwork and accountants and auditors, then something is wrong in America. We have got an inefficient system.

If it does say to people "Do not come do business with this government," we are locking out people that could be doing business for us, perhaps in a much more efficient way than our current vendors, our current suppliers. That ought to get changed.

Mr. FOX of Pennsylvania. It is just as important as the tax reform.

Mr. GUTKNECHT. I was going to say, whether you are talking about tax reform, health care reform, Medicare reform, welfare reform, reforming the way Congress does business, opening up the process, really what this debate is about is whose country is it, and whose government is it, and who is in charge, and whose money is it? And for too long we have sort of taken, or our predecessors have taken the attitude in Washington that it is Washington's money and Washington's government.

One of my favorite Presidents once observed we are a people with a government, and not the other way around. And really all of these reforms are about opening up the process. The beauty of this Congress is for the first time we are having honest and healthy debates about what kind of a Medicare system we are going to have, what kind of welfare system should we have?

We have agreed that the problem with our welfare system is not that it costs so much money. The problem with our welfare system in America today is that it costs too much in human potential. We have created dependency.

When Representative TAUZIN talks about our tax system, it is a system riddled with perverse incentives. Throughout all of our programs, it is a system of perverse incentives. No good deed goes unpunished. Frankly, it is wrong, and the America people know it is wrong.

If there is a reform party, I think once the American people get a chance to look at these issues, what has really happened in the 104th Congress, how the process has been opened up, how we finally had honest debates about real reform, returning more power back to the people, I think they will agree that there is a reform party in the United States of America, and it is our party, and it is this party that forged those reforms, it is this freshman class, if you will, that has really forced the agenda to make those changes, to change the attitudes in Washington, and begin the process of giving the people the power back. And that is what this Congress is about.

I hope that as we go forward, we will have more opportunities this spring to have this kind of a dialog, this kind of a discussion, because I believe facts are our friends, and once the American people have the facts, whether it is about our budget, about Medicare, about tax reform, all of those other issues, I think it makes it very easy for us to win the debate, for them to win the debate, because facts are our friends and, as John Adams said, "Facts are stubborn things."

Mr. TAUZIN. You know, the freshmen, JON, all of you guys, have taken a lot of heat in the press, being too hardnosed, too rigid, inflexible. The truth is, the freshmen came to this House with a very refreshing concept. It was a concept that the Government ought to be our servant, not our master. And you came with a simple notion that we needed to make Government user friendly again. It needed to be responsive to people and helpful to people, instead of control and mandating and, indeed, inaccessible to people because its formularies and regulations were too difficult for people to understand. It is a very refreshing attitude.

I often comment to folks back home, thank God we have a huge crop of

freshmen that have that attitude. I think it is great that we have the infusion of new ideas and new thought. We have seen it in the form of a willingness to tackle issues that sometimes no one wanted to tackle before; to face head on the crush and calamity of Medicare collapsing into bankruptcy and to try to deal with it, to face head on the fact we have got a welfare system that is condemning people to dependency, instead of rescuing them from dependency; to face head on the fact that Medicaid in our country is about to cripple the ability of our States to take care of people who are uninsured and need the assistance of others for their health care; and to face head on complex issues like immigration policy, and issues like, indeed, environmental reform, which are very contentious and very difficult to debate sometimes.

Freshmen, in my view, have added a great deal to this Congress, and I am glad you are here.

Mr. FOX of Pennsylvania. Congressman TAUZIN, we certainly appreciate the fact you are an honorary freshman, you have joined us in that regard, because your enthusiasm to find bipartisan solutions and work to make a positive difference is what I think all the Congress is about.

You would not be here and would not have the privilege of serving if you could not make a positive difference. The thing we have to do is make sure we continue listening back home. Back home are the best ideas on keeping costs down, on keeping government accountable for what they want, and to make sure we in fact have a government that is user friendly. In that regard, for any final comments Congressman GUTKNECHT may have?

Mr. GUTKNECHT. I thank the gentleman from Pennsylvania and Louisiana for the special order. I appreciate the opportunity to participate. I want to thank you for the kind words about the freshmen. I think in many respects, though, the freshmen just represent the common sense values and views of the American people.

This Congress started with a lot of excitement and fanfare, but I will never forget the day after this Congress started, I was out in the hall, outside the House chambers, and a reporter came up to DICK ARMEY, the majority leader of the House Republican Conference, and she said to him, "How does it feel now that the American people have given you all this power?" And he said something very important and very profound. He said, "The American people did not give us power. They gave us responsibility. They loaned us power."

That is part of the attitude I think reflected in this Congress. The American people have given us responsibility. For as long as we have that responsibility, I think particularly speaking

on behalf of the freshmen, we are going to do everything we can to give the power back to them, because we know that ultimately here in the United States it is the people who are sovereign. For too long, they felt as if there was a government that had the people, rather than a people with a government.

Frankly, I think we are bringing fresh attitudes, I think we are willing to tackle the tough issues. Have we done everything right. No. Have we made mistake? Yes. We may make mistakes in the future. But we are always guided by the basic notion that it is the people who are sovereign, and we work for them, and ultimately we have a responsibility to this generation, but, more importantly, to the next generation as well.

So I want to thank Representative TAUZIN and Representative FOX. It has been a great special order. We need to do this more often. As I said earlier, facts are our friends.

Mr. TAUZIN. I just want to reecho that thought, that this is the people's House, and in this House the people rule. That is an awfully statesmanlike approach to take, and it is surprising, indeed, that more folks do not realize that in this Chamber.

In the end, when we go back to the town hall meetings back home, we are asked a simple question: Have you advanced an American agenda? Not a Democrat or Republican agenda. Have you advanced the cause of this country? Have you made it a place where there is more liberty, instead of less liberty? Have you made it a place where we can advance our family's future more easy instead of more difficult. Have you made this a place where indeed our children can have a brighter future than we ourselves have?

If we can say yes to all of those questions, then we can go home proud and pleased with the work we have done here. I think we are well on the way. We have accomplished a lot. We have a lot left to do. But I think this "do something" Congress will be heard from much more in the days ahead.

Mr. FOX of Pennsylvania. I want to thank Congressman GUTKNECHT and Congressman TAUZIN for their leadership, not only in presenting the reforms that they have worked for, but in trying to forge a bipartisan agenda, one that is going to make this Congress continue to be pro-jobs, pro-reform, anti-tax, and one that relies more on the individual responsibility and relying on the fact that the Government does not run the country, the people do, and they do lend us that responsibility and that authority to act in their behalf.

So while we want to see term limits, we want to make sure the time we are here is made valuable, because what we have done is made positive changes.

That will always be our guiding thought.

I thank you for letting us have this time period, Mr. Speaker, to have this dialogue. We will return again to give a further review in the future. We appreciate the input of our colleagues, from our constituents and the American people.

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TRIBUTE TO A TRUE PATRIOT, RON BROWN

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and include therein extraneous material on the subject of the special order today by the gentleman from New Jersey [Mr. FALLONE].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE of New Jersey. Mr. Speaker, as chairman of the Congressional Black Caucus, I wanted to take some time this evening to pay tribute to a man so many of us knew as a great friend and a real true patriot. Secretary of Commerce Ron Brown was a person we all knew and loved. So many people across this Nation have been inspired by Ron Brown, it is fitting that we celebrated his remarkable life and legacy.

Even in the midst of our grief over his untimely passing, we recognize that Ron was the kind of person who would want to be remembered for how he lived his life rather than how he died. It has been said that a man's reach should exceed his grasp. Throughout Ron Brown's wonderful life he kept reaching, seizing each challenge with boundless confidence, with enthusiasm, with energy, with vision. Both in the private sector and in the public life he displayed that all-American can-do attitude, refusing even to entertain the thought that any obstacles would be insurmountable.

It was this spirit that won him so many firsts. First black fraternity member at Middlebury College. First black to hold the position of Chief Counsel of the U.S. Senate. First black partner at Patton, Boggs & Blow, and then on to becoming the first black chairman of the Democratic Party before being appointed by President Clinton as the first black Secretary of Commerce.

Yet it was typical of Ron Brown that even as he built racial coalitions, he

downplayed the significance of race as he sought to take on new challenges in his life. He said that race was not important as an obstacle. He simply said he can continue to move on up a little higher.

I remember back in 1988, when I was a member of the Newark City Council and seeking election to the house of Representatives, Ron Brown was campaigning at that time to become chairman of the Democratic National Committee. I traveled to Washington with the New Jersey Chamber of Commerce early in February 1988 to their annual legislative visit, when we talked to legislators here and talked about policies for our State. During my stay I introduced our State Democratic chairman, Ray Durkin, to Ron Brown, knowing that Ron was seeking the office of chairman of the Democratic National Committee.

After hearing Ron's ideas and observing his enthusiasm and his approach to problem solving and his enthusiasm and his vision, the State Democratic chairman, Ray Durkin, made a decision right on the spot to support Ron Brown. He said this is the man we need to lead our party.

I was pleased when our New Jersey U.S. Senator, BILL BRADLEY, immediately came on board to join in for the backing of Ron Brown to become the chairman of the Democratic National Committee. In fact, New Jersey was the first State to endorse Secretary Brown when he made his run for the chairmanship of the Democratic National Committee.

Ron Brown did not run a narrow campaign based on race, he reached out to a wide range of Americans, as he always did in his life, ultimately convincing the electorate to return the White House to the Democratic party for the first time in over a decade. As a matter of fact, our State of New Jersey went overwhelmingly for President Clinton for the first time in almost three decades. It was because of Ron Brown and his vision, his imagination, his creativity, his gumption, his stick-to-itiveness. He embodied the power of positive thinking, always looking ahead, assuredness, and optimistic.

Secretary Brown became involved in politics in 1971, when he was a district leader in Mount Vernon, NY, in the Democrat party there. He made a name for himself in the Urban League with his innovative ideas and creative approaches. He loved both public service and politics. Before working for Senator KENNEDY on the Committee on the Judiciary, he served as director of the California for Kennedy committee and later organized for Jesse Jackson's run for President.

Another point that needs to be made, in this era when it is popular in some quarters to bash those who work for the Federal Government, that Ron

Brown and those who perished with him out there, risking their lives under very dangerous conditions on a mission to improve the lives of people in Bosnia and to promote American products, American business opportunities in order to create American jobs.

Secretary Brown and his staff worked tirelessly over the years bringing in billions and billions of dollars of contracts to Americans. Let us hope that out of respect for the victims and their families this unfair debasing of Federal employees for cheap political mileage will cease.

Let me take a moment to pay tribute to the victims of the tragedy who were connected to my home State of New Jersey who were on that ill-fated trip that day. We are proud of their service and extend deepest sympathies to their families.

Lee Jackson, who was born in Montclair, NJ, part of my district, was Executive Director of the European Bank for Reconstruction and Development at the Treasury Department. He was a young, bright African-American fellow whose father was a former newspaper person, who, as a matter of fact, was a very close friend of my Newark district office manager. We sat, Rick Thigpen and myself, watching the television, very saddened, awaiting the news from over in Croatia.

Another person on that flight from New Jersey, Claudio Elia, was chairman and chief executive of Air and Water Technologies Corp. in Branchburg, NJ.

Walter Murphy was vice president of global sales at AT&T Submarine Systems in Morristown, NJ.

Our State also lost two young people who were serving our country in the military, as Secretary Ron Brown had done as a young U.S. Army captain early in his life. S. Sgt. Robert Farrington, Jr., was from Brierfield, NJ; and T. Sgt. Cheryl Turnege lived in Lakehurst before she joined the Air Force.

Ron Brown left us too soon. He had so many gifts and yet he was not to have the gift of long life. We do not understand how life is given out, it is beyond us. Yet we can take comfort in the fact that his spirit, his zest for living, and his monumental achievements will definitely live on.

Our heartfelt condolences go out to his loving family, his wife, Alma, his son, Michael, his daughter Tracey, and his grandchildren. We will keep them in our thoughts and in our prayers.

At this time, I would yield to the gentleman from Virginia, Representative BOBBY SCOTT.

Mr. SCOTT. Mr. Speaker, I want to thank the gentleman from New Jersey for having this special order. I rise to add my voice to the multitude of voices singing the praises of Ron Brown. With all that has been said about him in the last 12 days, some may feel that all

that needs to be said has already been said; but as we frequently say, all that need to say it have not already said it.

The fact is that we have all been affected by Ron Brown's life in general and in unique ways, and feel the need to ensure that the record of his life and his good works reflects some of those unique contributions.

For example, Mr. Speaker, the Newport News shipyard in the Third Congressional District of Virginia, which I represent, was a beneficiary of his good works. Even before the collapse of the cold war, the shipyard knew it needed to diversify its business portfolio beyond just military shipbuilding, so it began to revive its commercial shipbuilding program.

Ron Brown stood ready when called upon to help the Newport News Shipyard, just as he had helped so many other businesses before. For the Newport News Shipyard, he took Pat Phillips, the former president of the shipyard, to the Middle East to meet with business and government leaders in Israel, Egypt, Kuwait, and the United Arab Emirates to market the frigate ship program, and they were very successful. Bill Fricks, the current president of the shipyard, stated upon the news of Ron's death that, and I quote:

Ron Brown was a great advocate of our yard and voiced his support for Newport News Shipyard and other Tenneco subsidiaries during numerous trade missions overseas. Not only an advocate of stronger international ties, Brown was also a friend of Newport News Shipyard. He will truly be missed.

Mr. Speaker, there have been a lot of words used to describe Ron Brown and his life: trailblazer, bridgebuilder, fence mender, power broker, coalition builder, energizer, visionary, humanitarian, public servant, crusader, lawyer, businessman, politician, husband, father, friend; all *extraordinaire*. And to this descriptive list I have to add shipbuilder and a friend of the Third Congressional District of Virginia. We are all grateful for his life and his contributions and for the lives and contributions of those who were with him on that fateful trade mission.

Mr. Speaker, Ron Brown will truly be missed.

Mr. PAYNE of New Jersey. I thank the gentleman very much. I really appreciate the gentleman from Virginia for those kind remarks. Let me at this time recognize the gentlewoman from the great State of North Carolina, who has been doing special orders and has been talking about Ron Brown for the last day or two, the gentlewoman from North Carolina, Mrs. EVA CLAYTON.

Mrs. CLAYTON. Thank you, Mr. PAYNE.

I am indeed grateful to Mr. PAYNE for organizing this special order. I wanted to participate in this special order under the guidance of the Black Caucus, because I think it is appropriate in this leadership that we also have an opportunity to have a special order.

Mr. Speaker, Ron Brown was a bridgebuilder, a peacemaker, a soldier for souls, a fisher for young men and young women.

Out of the ashes and wreckage of that faraway mountain in Bosnia—something remains—a blade of grass, an idea.

The idea—Ron Brown's living legacy—is that you can grow up in Harlem, and progress in Washington.

He left with us a prototype to follow, a style, a design, a mold, a model that we may never duplicate, but we can certainly replicate.

Under the careful counsel of his father and mother, he learned that it is far better to build bridges than to burn them. He knew that a bridge could arch a flood.

And so, he built bridges between the rich and poor, between people of every hue, between cherished views and fresh beliefs. Perhaps that is why his motorcade journey to his resting place in Arlington was as appropriate on U Street as it was on Constitution Avenue.

Ron Brown was a bridgebuilder.

His time spent in service to America, as an officer of the U.S. Army, apparently taught him that the best way to preserve world peace and avoid war is by doing business.

That is why he travelled to China, journeyed to India, took a trip to Turkey, and voyaged to Africa. And, that is why he risked a rainstorm to get to Tuzla.

He was opening doors, cementing relationships, serving his country, and promoting peace, even in a region torn by war.

Ron Brown was a peacemaker.

His rapid rise to the top was by measured steps from the bottom.

He worked by day and attended law school by night. He was a welfare social worker, a leader with the Urban League, a brilliant political strategist, a lawyer, the pilot of the Democratic Party and the architect of one of the greatest Presidential campaign victories in history.

Through it all, he never lost the common touch.

He was as comfortable playing pickup basketball in the Shaw neighborhood of Washington, DC as he was conversing with Kings and Queens and Prime Ministers.

Ron Brown was a soldier of souls.

But, perhaps the mark that he made that is most worthy of note is his mentoring, wherever he went, he took others with him, especially young men and women.

Ron knew how tough it was for an African-American to move from 125th Street in the heart of Harlem to the Commerce Building at the center of power in Washington.

With each career step he took, he embraced young people, forming and fashioning the Ron Brown's of the future.

They are there, at the Department of Commerce, at Democratic National

Headquarters, in the public sector and in the private sector—the next Ron Browns.

He was a fisher of young men and young women.

Whether he was building bridges or closing divides, fighting the good fight or making peace, reaching with a helping hand or bringing others along—he always did his duty with dignity, pride, graciousness, vision and boundless energy. He filled each unforgiving minute with 60 seconds of long distance run.

Our thoughts and prayers go out to his lovely wife Alma, his loyal son Michael and his darling daughter Tracey. They have every reason to be proud.

Ron was a trailblazer, a tireless champion for all, a role model for role models. He has left his permanent imprint on the sands of time. God's finger has touched him, and he now sleeps.

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Mr. PAYNE of New Jersey. Thank you for those remarks.

As you know, we are talking about the life of Ron Brown, but there were a number of people. I mentioned several of those who lived in my great State of New Jersey who lost their lives on that mountainside in Croatia and return flight from Bosnia. There were other people who worked for the government.

As we talked about the fact that all too often it is made trite about working for the government, we hear people saying that Americans should not have to pay taxes. Why should we be involved in such things? What right do we have to take their money? We heard some of that dialog earlier here tonight.

Well, because we live in a country that is great. We live in a country where you can get on a road and the road will take you where you need to go, with pavement, with utilities, with lights. We live in a place where you can drink clear water and not worry about having bacteria in it. We live in a place that you can call the authorities or go to a courtroom and find that you can have your cases heard. And that is why it is a responsibility of Americans to have a responsibility.

As a matter of fact, at some other time we will get on to this subject, but people make it seem that here in America we are overtaxed. We pay about 29 percent. Japan used to pay 19 percent; they paid 29 percent. In the Western Europe countries, most pay 38 to 39 percent. We should take a look at the global situation, and I say that to say that Ron Brown was a person who had to take this unnecessary bashing. People in government took unnecessary bashing. We heard people criticize the Department of Commerce, but billions of dollars worth of business have been brought back to this country.

There were other people who gave their life for this country.

Bill Morton was a fellow who was always at Ron Brown's side. Bill was a

deputy assistant secretary for international trade. He was a long time aide of Ron Brown. He graduated from Georgetown University, a native of Colorado, was always there when Ron Brown had to go. Did not like to fly at all, did not like travel at all, but he felt that it was his responsibility to his boss, Ron Brown. It was the responsibility to his country, and he went when called and did not want to go on that trip to Bosnia, but he was there.

These are the types of Americans who are the unsung heroes, people who dedicate their time, their life, their energy, time away from their family. The Bill Mortons of the world are the type that makes this country run, that make it as great as it is.

There were a number of people on that flight. Duane Christian, who was Ron Brown's chief security officer, a person who had been in this government for many years, used to work for the Office of Personnel Management, a former school teacher.

On that trip was Adam Darling, just a 29-year-old person, a confidential assistant for the Deputy Secretary of Commerce. He worked in international trade, wanted to make America strong, wanted to increase our balance of trade, wanted to reduce the balance of trade deficit, a young 29-year-old person was there serving our country.

Gail Dobert, acting director of the office of business liaison, a person who had worked many years on the Hill, who was there serving our country.

Carol Hamilton, the press secretary for Ron Brown, who was a person who had worked in business and industry, worked for Chase Manhattan Bank, but decided to give her time, her talents to the United States Government and came to work in the Commerce Department so that the work that that great department was doing could be better told.

We have Kathryn Hoffman, a special assistant to Ron Brown who was a person who was interested in politics, worked in the Clinton campaign during 1992, and actually was the person that produced the first African-American inaugural gala and leadership forum at the inauguration of the inaugural committee for President Clinton, a person who worked for Sony Pictures and in the past for Senator BIDEN and Julian Bond. A person with tremendous amount of ability, also lost her life.

We have Stephen Kaminski, who was a senior commercial officer who traveled a great deal, who tried to see that the market access of American companies could be enlarged in places like Japan, and worked in capitals of Hamburg and Dusseldorf and Vienna, and was a person, a real world leader.

Kathryn Kellogg, a confidential assistant, office of business liaison, who came to that office from a background with the Jay Rockefeller office and did a tremendous amount.

And we had a very senior person with us on that trip with Ron Brown, Charles F. Meissner who was the Assistant Secretary of Commerce for International Affairs, has been very active in government, and his wife was the Immigration and Naturalization Service commissioner, Miss Doris Meissner, and certainly our heart goes out to her, a person who is still contributing to our Government.

Also a part of our Government team was Lawrence Payne, a special assistant, office of domestic operations. He was a person who added a great deal to the mission.

Naomi P. Warbasse, who was a deputy director of Central and East Europe Business Information Center.

We had James M. Lewek, who was an intelligence analyst who worked on European economic issues. He was a person who was an analyst, a very bright individual who served very well.

So these were people who worked for our government who felt it was important, who felt they had a contribution to make, who felt that this great Nation of ours could do better. They never accepted enough was enough. They went on to move to higher heights.

Ron Brown had gone on a mission to India. No one ever looked at India as a place where we should take trade missions. It was never on the radar screen. But Ron Brown looked at the population, a population of over 900 million people, a country that in the next 20 years will have a population in excess of the population of the People's Republic of China.

It is estimated by the year 2020 the population of India will exceed 1 billion 250 million people—1 billion 300 million people. This is awesome.

The People's Republic of China currently has 1 billion 100 million people. The population of the United States is 250 million.

Ron Brown looked at India and said, after analysis, that India has as many middle-income people as the entire population of the United States of America. He was one that looked around and saw the poverty and saw the problems, but he also looked at the aggregate number, 900 million people, and found out that 250 million were middle-income people in India. And so he took a trade mission and, in less than a week, did over \$7 billion worth of business on that trip. It was Ron Brown conceiving that there is opportunity in that great country of India.

He took trade missions to South Africa, worked with Mr. Mandela. As a matter of fact, Ron Brown was one of President Nelson Mandela's favorite persons. Mr. Mandela, who, as you know, is probably one of the greatest leaders in this world, has tremendous insight, and he was a person that opened his doors to his personal home to Ron Brown because of the camara-

derie between the two. Of course, President Mandela, being much older than Ron Brown, Ron just looked up to him and went to South Africa, and through Ron Brown's creativity the Mbeke-Gore Bilateral Commission for Trade, directly the deputy president, Tabo Mbeke, Vice President AL GORE co-chaired this trade development that will increase imports and exports from these two great countries.

Ron Brown went to Asia and was very popular.

The Japanese trade officials enjoyed working with Ron Brown. They felt that he was very astute, and he did outstanding business in Japan. He was one, and we heard of Mickey Kantor and his debates in Geneva with the auto parts, but Ron Brown would go over to Japan, and it was, they call it, the "bad cop, good cop," Mickey Kantor being the bad cop, tough guy, mean guy, never smiled, and Ron Brown would come with his smile. He was a good cop. But Ron would always get the signature on the dotted line. So, as we have recently heard, the tremendous increase in the amount of autos and auto parts being sold to Japan, a record for this country. Part of that success for our big three auto makers is because of Ron Brown and the work that he has done.

He went to the People's Republic of China and was ready to do business all over the place. It was just that it was so large, Ron just took a little piece of it, but billions of dollars' worth of People's Republic of China.

And so I mentioned these various missions that he took. He was interested in the whole relationship between Mexico and the United States. He felt that Mexico has tremendous potential, but that the human rights of people in Mexico must be observed better. He talked about changing over the type of government, making it more people oriented, and he was a person that saw that one way that we could stop illegal immigration is that Mexico itself becomes a place that people feel they should stay, their country. Most people prefer living in their own country. They do not like traveling to other countries. They do not want to learn a foreign language. They do not want to be put in substandard jobs. They do not want to be pointed out as the problem. So most people, wherever they live in the world, prefer to stay where their home country is.

Ron Brown felt that, with Mexico developing, with opportunities in Mexico for Mexicans, that would be the biggest way to slow down and eventually stop illegal immigration and actually have people emigrate back to Mexico once opportunities developed there. But he also said that, as Mexico developed, that there would be markets for the United States, there would be trade opportunities, that it would not be a one-way street, but we would be able to

solve a tremendous social problem in our country of illegal immigration.

□ 2030

So Ron Brown's policies really affected the world, whether it was in the Far East, the Pacific rim, whether it was in the new independent States, or in Africa. He was a person who felt that we could do things best in this country, we make the best products, once we put our minds to it. He felt that all we had to do was to get an opportunity to introduce our business people to foreign markets, and that they would really jump on board on getting our products.

So as we wind down on our commemoration of Ron Brown, the man, Ron Brown, the leader, Ron Brown, the father, Ron Brown was a person that even when he was under attack, and I sat at a hearing of the Committee on International Relations where there was the move to abolish and eliminate the Department of Commerce. Some mean-spirited questions were asked, and the manner in which some of the questioners on the other side of the aisle were lashing out at the Secretary of Commerce. He answered every question. He answered the questions well. He had the facts.

As a matter of fact, when the hearing ended, most of the Members who started out with this mean-spirited slash and burn type of philosophy had to admit that the Department of Commerce had done an outstanding job; had to admit that, truly, this is the first Department of Commerce Secretary that the American people can say the name of the person. This is a Commerce Department person that people felt was doing the job. But in their fallacy, their preconceived notion was to eliminate the Department of Commerce. I think that that started to sort of slow down once Ron Brown really gave the facts to people.

We are here to say, Mr. Speaker, that we hope that we will remember Ron. We will once again say that he was a great American. We will once again say that he is the type of person that we can have young men and women, African-American, Caucasian, native American, whatever, point to and say that he is the measure of a man. Anyone can succeed if you try hard enough, that all you have to do is to have a vision, have creativity, and be ready to step up to the plate.

Once again, I would like to thank the Speaker for this time, and to express to my colleagues who came out tonight that I appreciate their participation this evening. I also appreciate the participation of many, many Members who have expressed their views during the past week that we have been back here, Monday, Tuesday, and today.

As a matter of fact, concluding, it was going to be on a week from today that he was going to visit the Congressional Black Caucus' weekly meeting.

We talked before his trip, and April 24 was the date that he was scheduled to come to talk about women's opportunities, small business, the census. So we will certainly even more remember him next week when we meet in our weekly Wednesday meeting. He is a true American, a real American hero.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RAHALL) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. KENNEDY of Rhode Island, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mrs. THURMAN, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. PALLONE, for 60 minutes, today.
Mr. PAYNE of New Jersey, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, today.
Mr. JONES, for 5 minutes, today and on April 18.
Mr. CHAMBLISS, for 5 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, today and on April 18.
Mr. FUNDERBURK, for 5 minutes, today.
Mr. CHABOT, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. TALENT, for 5 minutes, today.
Ms. ROS-LEHTINEN, for 5 minutes, today.
Mr. HUNTER, for 5 minutes, today.
Mr. FORBES, for 5 minutes, today.
Mrs. MORELLA, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.
Mr. DORNAN, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAHALL) and to include extraneous matter:)

Mr. STARK.

Mr. HAMILTON in two instances.
Mr. JACOBS.
Mr. FARR of California.
Mr. TOWNS in two instances.
Mr. SANDERS.
(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. SENSENBRENNER.
Mr. BAKER of California.
Mr. TALENT.
Mr. WATTS in three instances.
Mr. LAHOOD.
Mr. OXLEY.
Mr. CAMP.
Mr. CUNNINGHAM.
Mr. PORTER in two instances.
Mr. ZIMMER.
Mr. CRAPO.
Mr. LAZIO.
Mr. STUMP.
Mr. ZELIFF.
Mr. BRYANT.
Mr. WELLER.

(The following Members (at the request of Mr. PAYNE of New Jersey) and to include extraneous matter:)

Mr. GIBBONS.
Mr. BILIRAKIS.
Mr. GUTIERREZ.
Mr. HALL.
Mr. JOHNSTON of Florida, in two instances.
Mrs. JOHNSON of Connecticut.
Mr. DORNAN.
Mr. SHADEGG, in two instances.
Mrs. MORELLA.
Mr. DEUTSCH.
Mr. POSHARD.
Mr. PALLONE.

ADJOURNMENT

Mrs. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, April 18, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2409. A letter from the Secretary of the Navy, transmitting notification that the joint tactical unmanned aerial vehicle-hunter and standard missile 2 block IV have breached the unit cost threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on National Security.

2410. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Japan (Transmittal No. DTC-13-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2411. A letter from the Acting Assistant Secretary for Legislative Affairs, Depart-

ment of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC-15-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2412. A letter from the Chairman, Merit Systems Protection Board, transmitting annual report of the Merit Systems Protection Board and review of OPM, pursuant to 5 U.S.C. 1206; to the Committee on Government Reform and Oversight.

2413. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the Corporation's audited financial statements for fiscal year 1995; to the Committee on Government Reform and Oversight.

2414. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's summary by country program of the fiscal year 1996 budget allocation for the International Narcotics Control Program, pursuant to 22 U.S.C. 2291(b)(1); jointly, to the Committees on International Relations and Appropriations.

2415. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intended reprogramming of foreign aid funds, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on International Relations and Appropriations.

2416. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of foreign aid program changes, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on International Relations and Appropriations.

2417. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of foreign aid program changes, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on International Relations and Appropriations.

2418. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's listing of FDIC properties covered by the Coastal Barrier Improvement Act; jointly, to the Committees on Resources and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE: Committee on Rules. House Resolution 405. Resolution waiving points of order against the conference report to accompany the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes (Rept. 104-522). Referred to the House Calendar.

Mr. GILMAN: Committee on International Relations. H.R. 3107. A bill to impose sanctions on persons exporting certain goods or technology that would enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes; with amendments (Rept. 104-523 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3107. Referral to the Committees on Banking and Financial Services, Government Reform and Oversight, and Ways and Means for a period ending not later than May 3, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SKEEN:

H.R. 3258. A bill to direct the Secretary of the Interior to convey certain real property located within the Carlsbad project in New Mexico to Carlsbad Irrigation District; to the Committee on Resources.

By Mr. COMBEST:

H.R. 3259. A bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CRAPO:

H.R. 3260. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to proposed regulation of pharmacists; to the Committee on Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. DICKEY, Mr. CARDIN, Mr. KENNEDY of Massachusetts, Mrs. MALONEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. POMEROY, and Mr. RAHALL):

H.R. 3261. A bill to provide for annual payments from the surplus funds of the Federal Reserve System to cover the interest on obligations issued by the Financing Corporation; to the Committee on Banking and Financial Services.

By Mrs. GREENE of Utah:

H.R. 3262. A bill to amend title XVIII of the Social Security Act to expand coverage under part B of the Medicare Program of certain antibiotics which are parenterally administered in a home setting, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSTON of Florida (for himself, Mr. FROST, Ms. LOFGREN, Mr. McDERMOTT, Mr. THOMPSON, Mrs. THURMAN, Mrs. MEEK of Florida, Mr. SHAW, Mrs. MINK of Hawaii, Mr. CANADY, Mr. RAHALL, Mr. BRYANT of Texas, Ms. NORTON, and Mr. FRAZIER):

H.R. 3263. A bill to amend the Omnibus Crime Control and Safe Street Act of 1968 to establish a national clearinghouse to assist in background checks of law enforcement applicants; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 3264. A bill to waive the Medicaid enrollment composition rule for D.C. Chartered Health Plan; to the Committee on Commerce.

By Mr. QUINN (for himself, Mr. ENGLISH of Pennsylvania, Mr. SHAYS,

Mr. GILMAN, Mr. WALSH, Mr. HORN, Mr. HOUGHTON, Mr. BOEHLERT, Mr. TORKILDSEN, Mrs. JOHNSON of Connecticut, Mr. LEACH, Mr. MARTINI, Mr. LAZIO of New York, Mr. FRANKS of New Jersey, Mr. FORBES, Mr. DIAZ-BALART, Mr. RIGGS, Mr. CREMEANS, Mr. LATOURETTE, and Mr. BLUTE):

H.R. 3265. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under the act; to the Committee on Economic and Educational Opportunities.

By Mr. TANNER (for himself, Mr. CASTLE, Mrs. LINCOLN, Mr. SHAYS, Mr. STENHOLM, Mrs. MORELLA, Mr. PAYNE of Virginia, Mrs. JOHNSON of Connecticut, Mr. ORTON, Mr. CAMPBELL, Mr. MINGE, Mr. HOUGHTON, Mr. BROWDER, Mr. FOX, Mr. CRAMER, Mr. BOEHLERT, Mr. BAESLER, Mr. RAMSTAD, Mr. HOLDEN, Mr. FRELINGHUYSEN, Mr. LIPINSKI, Mr. HORN, Mr. ROSE, Mr. FAWELL, Mrs. THURMAN, Mr. LAZIO of New York, Mr. ROEMER, Mr. KOLBE, Mr. CLEMENT, and Mr. GORDON):

H.R. 3266. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence, and control welfare spending; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress that March 25 be recognized as the anniversary of the Proclamation of Belarusian Independence, expressing concern over the Belarusian Government's infringement on freedom of the press in direct violation of the Helsinki Accords and the Constitution of Belarus, and expressing concern about the proposed union between Russia and Belarus; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. KENNEDY of Massachusetts and Ms. WOOLSEY.

H.R. 218: Mr. HANSEN.

H.R. 350: Mr. WALSH, Mr. HAYWORTH, and Mr. TATE.

H.R. 351: Mr. PICKETT, Mr. BRYANT of Tennessee, Mr. SAXTON, Mr. EWING, Mrs. SEASTRAND, and Mr. HUNTER.

H.R. 403: Mr. SHAYS.

H.R. 573: Mr. BONIOR and Mr. ANDREWS.

H.R. 582: Mr. KNOLLENBERG.

H.R. 973: Mr. LEWIS of Georgia.

H.R. 1023: Mr. SHUSTER, Mr. STOKES, and Mr. LARGENT.

H.R. 1073: Mr. DINGELL and Mr. BROWN of California.

H.R. 1074: Mr. DINGELL and Mr. BROWN of California.

H.R. 1127: Mr. CALVERT.

H.R. 1179: Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, and Mr. STOKES.

H.R. 1202: Mr. PICKETT, Mr. EVANS, and Mr. CLYBURN.

H.R. 1462: Mr. MENENDEZ, Mr. GUTIERREZ, and Mr. SMITH of New Jersey.

H.R. 1496: Mr. SCOTT.

H.R. 1950: Mr. FILNER.

H.R. 2214: Mr. BRYANT of Tennessee.

H.R. 2335: Mr. LARGENT, Mr. PETE GEREN of Texas, Mr. SISISKY, Mr. CRAMER, Mr. MCINTOSH, Mr. BATEMAN, Mr. CAMP, Mr. SKELTON, Mr. ROGERS, Mr. BALLENGER, and Mr. BURR.

H.R. 2579: Mr. EHRLICH, Mr. MANZULLO, Mr. LINDER, Mr. EVERETT, Mr. TAYLOR of Mississippi, and Mr. VISCLOSKEY.

H.R. 2654: Mr. GUTIERREZ.

H.R. 2655: Mr. HINCHEY, Mrs. LOWEY, and Mr. LOBIONDO.

H.R. 2665: Mr. FRAZER, Mr. LEVIN, Mr. GREEN of Texas, Mr. DEUTSCH, and Mr. FARR.

H.R. 2827: Mr. HINCHEY and Mr. SERRANO.

H.R. 2834: Mr. KILDEE and Mr. GRAHAM.

H.R. 2914: Mr. GUTIERREZ.

H.R. 2925: Mr. LIGHTFOOT, Mr. PETERSON of Minnesota, and Mr. PAYNE of Virginia.

H.R. 2959: Mr. WELLER.

H.R. 2976: Mrs. CLAYTON, Mr. GUTIERREZ, Ms. JACKSON-LEE, Mr. MATSUI, Mr. MENENDEZ, and Ms. WOOLSEY.

H.R. 2996: Mr. HEINEMAN.

H.R. 3004: Mr. RAMSTAD.

H.R. 3024: Mr. BISHOP, Mr. CLYBURN, Mr. WILLIAMS, Mr. OWENS, Ms. NORTON, Mr. WYNN, Mr. HASTINGS of Florida, Mr. FRAZER, Mr. ENGEL, Mr. HALL of Ohio, Mr. HINCHEY, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. FILNER, Ms. MCKINNEY, Mr. ORTIZ, Mr. LEWIS of Georgia, Mr. DAVIS, Ms. WOOLSEY, Mr. HYDE, Mr. GIBBONS, Mr. BARCIA of Michigan, Mr. FARR, Mr. POMBO, Mr. TOWNS, Mr. STUMP, Mr. FORBES, Mr. SAWYER, Mr. TORRES, Ms. LOFGREN, Ms. SLAUGHTER, Mr. GILCHREST, Mr. RICHARDSON, Mr. KIM, Mr. PICKETT, and Mr. DOYLE.

H.R. 3039: Mr. HALL of Texas.

H.R. 3060: Mr. DOYLE.

H.R. 3067: Mr. WALSH, Mr. LEVIN, and Ms. HARMAN.

H.R. 3118: Mr. FALEOMAVAEGA and Mr. MANTON.

H.R. 3152: Ms. LOFGREN.

H.R. 3156: Mr. NETHERCUTT.

H.R. 3177: Mr. RAMSTAD, Mrs. MEYERS of Kansas, and Mr. VENTO.

H.R. 3180: Mr. HUTCHINSON, Mr. HOLDEN, Ms. MCKINNEY, and Ms. LOFGREN.

H.R. 3195: Mr. BUNNING of Kentucky.

H.R. 3224: Mr. CLEMENT, Mr. FROST, Mr. CLINGER, and Mr. SMITH of New Jersey.

H.R. 3238: Ms. LOFGREN and Mr. FROST.

H. Con. Res. 105: Mr. BAKER of Louisiana.

H. Con. Res. 135: Ms. SLAUGHTER and Ms. FURSE.

H. Con. Res. 136: Mr. HOKE, Ms. PELOSI, Mr. FUNDERBURK, Mr. LIPINSKI, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CALVERT, and Mr. ROMERO-BARCELO.

H. Con. Res. 158: Mrs. LOWEY.

H. Res. 347: Mr. LIPINSKI, Ms. SLAUGHTER, Mr. DELLUMS, Mr. BONIOR, and Mrs. LOWEY.

H. Res. 404: Mr. CONYERS, Mr. FORD, Mrs. COLLINS of Illinois, Mrs. CLAYTON, Mr. RANGEL, Mr. OWENS, Mr. FIELDS of Louisiana, Mr. HILLIARD, Mr. FRAZER, Ms. NORTON, Mr. WYNN, Mr. DELLUMS, Mr. JEFFERSON, Mr. DIXON, Mr. RUSH, Ms. MCKINNEY, Mr. CLAY, Ms. JACKSON-LEE, and Mr. BISHOP.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1675

OFFERED BY: MRS. LINCOLN

AMENDMENT No. 2: At the end of the bill add the following new section:

SEC. . AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

After section 2 of the Act, as redesignated by section 10(a)(4) of this Act, add the following new section:

"SEC. 3. AUTHORITY OF SECRETARY TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

"(a) **IN GENERAL.**—The Secretary shall accept from any qualified State donations of services of State employees to perform in a refuge, in a period of Government budgetary shutdown, fish- and wildlife-dependent recreation management functions otherwise authorized to be performed by Department of Interior personnel.

"(b) **LIMITATIONS.**—An employee of a State may perform functions under this section only—

"(1) within areas of a refuge that are located in the State; and

"(2) in accordance with an agreement entered into by the Secretary and the Governor of the State under subsection (c).

"(c) AGREEMENTS.—

"(1) **IN GENERAL.**—For purposes of this section, the Secretary may enter into an agreement in accordance with this subsection with the Governor of any State in which is located any part of a refuge.

"(2) **TERMS CONDITIONS.**—An agreement under this subsection shall—

"(A) contain provisions to ensure resource and visitor protection acceptable under the standards of the United States Fish and Wildlife Service;

"(B) require that each individual performing functions under the agreement shall have—

"(i) adequate safety training;

"(ii) knowledge of the terrain in which the individual will perform those functions; and

"(iii) knowledge of and adherence to Federal regulations relating to those functions; and

"(C) specify other terms and conditions under which a State employee may perform such functions.

"(d) **EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.**—A State employee who performs functions under this section shall not be treated as a Federal employee for pur-

poses of any Federal law relating to pay or benefits for Federal employees.

"(e) **ANTI-DEFICIENCY ACT NOT APPLICABLE.**—Section 1341(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, State employees under this section.

"(f) **DEFINITIONS.**—In this section—

"(1) the term 'Government budgetary shutdown' means a period during which there are no amounts available for the operation of the System, because of—

"(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

"(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill; and

"(2) the term 'qualified State' means a State that has entered into an agreement with the Secretary in accordance with subsection (c)."